

CITY OF DOVER PLANNING COMMISSION
JUNE 21, 2021

The Meeting of the City of Dover Planning Commission was held on Monday, June 21, 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, Mrs. Malone, Mr. Hartman, Mrs. Lord, Mrs. Welsh, Dr. Jones and Mrs. Maucher. Mr. Baldwin was absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Mr. Brian Turner, Ms. Sylvia Davis, Ms. Patricia Kelleher, Mr. Ring Lardner, Mr. William Harman, Mr. Jonathan Street, Mr. Doug Walker, Mr. Robin Eaton and Mr. Michael Campbell. Speaking from the public were Mr. Bob Harrison, Mr. Jack Sutton, Ms. Karen Nickerson, Mr. Guy Smith, Ms. Louise Bordley, Mr. Chuck Hampton, Mrs. Heather Hampton, Mr. Griffin DuBreuil, Ms. Yvonne Biddle, Ms. Jean Ritter, Mr. John Davis, Ms. LaTende Henry, Ms. Lynn Sadusky, and Mr. Adewunmi Kuforiji.

APPROVAL OF AGENDA

Mr. Adams moved to approve the Agenda tonight, seconded by Mrs. Welsh and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

APPROVAL OF MEETING MINUTES OF MAY 17, 2021

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of May 17, 2021, seconded by Dr. Jones and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on May 24 & 25, 2021 and June 14 & 15, 2021.

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, July 19, 2021 at 7:00PM. At this point, it looks like we may be back as an in-person meeting with the intention of the Governor to lift the State of Emergency the week before on July 13, 2021. The ability to conduct this type of meeting fully virtual, they believe will go away and under the *Delaware Code* provisions for the Freedom of Information Act. With the provisions for open meetings, she believes that we will be fully back in-person and that means all of the Commission members gathering in a publicly advertised space. Stay tuned for that as we work out details. There may still be an opportunity for viewing of the meeting live but for participation purposes, she believes that we will all need to be in-person.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the Virtual Meeting using the WebEx system.

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:

S-19-11 Lion of Judah Ministry Church at 951 White Oak Road - Request for One-Year Extension of Plan Approval granted by the Planning Commission on July 15, 2019 for a Site Development Plan Application with waivers to permit construction of one-story 5,000 SF place of public assembly (church) building and associated site improvements. The subject property is 1.14 +/- acres. The property is zoned IO (Institutional and Office Zone). The property is located on the north side of White Oak Road and east of Halsey Road. The owner of record is L & S Davis Properties, Inc. Property Address: 951 White Oak Road. Tax Parcel: ED-05-068.14-05-85.00-000. Council District 3.

Representatives: Ms. Sylvia Davis; L & S Davis Properties, Inc; Mr. Brian Turner, Mountain Consulting

Mr. Swierczek stated that this is an application seeking a One-Year Extension of approval. It is a Site Development Plan for a church called Lion of Judah Ministry Church. It originally came before the Planning Commission in June 2019 at which point the Planning Commission had deferred action until July 2019 and it was granted conditional approval. It was granted conditional approval which included two requested Waivers. Those were the elimination of a fence component of the opaque barrier requirements as well as a partial elimination of upright curbing. The Planning Office is in receipt of a letter requesting the extension of approval on May 24, 2021 from Mr. Troy Adams. He is the Chief Engineer on the project. He notes that the applicants are still working diligently on obtaining approvals from all of the relevant agencies and they are eager to finalize construction plans and move on to Final Plan Approval and to permitting.

Mr. Turner stated that he does not have anything else to add as Mr. Swierczek summed it up pretty accurately of where they are. They are pretty far along in the process and are really just waiting on some final reviews.

Mr. Adams moved to approve S-19-11 Lion of Judah Ministry Church at 951 White Oak Road for a One-Year Extension for plan approval including waivers, seconded by Dr. Jones and the motion was carried 7-0 by roll call vote with Mrs. Lord unavailable to vote and Mr. Baldwin absent. Mr. Adams voting yes; it sounds like things are moving along so he looks forward to them beginning their construction process. Mr. Roach voting yes. Mrs. Malone voting yes; for reasons previously stated. Mr. Hartman voting yes; based on the May 24, 2021 comments provided by the applicant. Mrs. Welsh voting yes; the request is appropriate. Dr. Jones voting yes; the applicant has been working diligently and they are looking forward to the finished product. Mrs. Maucher voting yes; based on the statements from the applicant that progress is being made.

S-19-13 NCALL Office Building at 223 & 225 West Division Street - Request for One-Year Extension of Plan Approval with waivers granted by the Planning Commission on July 15, 2019 for a Site Development Plan and Lot Consolidation Plan Application to construct a three-story 7,671 SF office building together with associated site improvements. The subject properties to be

combined total 5,120 feet and are located on north side of West Division Street east of North New Street. The property is zoned C-1A (Limited Commercial Zone). The owner of record is NCALL, Inc. Property Addresses: 223 West Division Street and 225 West Division Street. Tax Parcels: ED-05-076.08-05-28.00-000 and ED-05-076.08-05-29.00-000. Council District 4.

Representatives: Mr. Brian Turner, Mountain Consulting; Ms. Patricia Kelleher, NCALL

Mr. Swierczek stated that this is an application that involves both a Site Development Plan as well as a Lot Consolidation Plan at 223 & 225 West Division Street. This application came to the Planning Commission again at their July 2019 meeting. The conditionally approved plan included consideration of a Tree Mitigation Plan as well as elimination of upright curbing requirements. In their letter to Planning Staff dated May 24, 2021, Mountain Consulting noted that there was a change in circumstances that required a potential major redesign of the proposed building. As a result, they are revising their plan seeing what will be still required before moving on to finalizing the Site Development Plan. As a note from Planning Staff, if it is determined that any of the design changes are to be significant enough, they will be of course brought to the attention of the Planning Commission.

Mr. Turner stated that initially they had been making progress prior to COVID and things slowing down. They have received a Letter of No Objection from Kent Conservation District and had gone through some of the initial submissions and meetings with DelDOT as well. They have been making progress prior to COVID and things slowing down; and now, they are in the process of redesigning the building. It will probably be scaled back a little bit from the previous square footage. They are ready to restart things and come back in with their Concept Plans to various agencies and hopefully wrap things up before the end of this year from a planning and design standpoint.

Ms. Kelleher entered into the chat feature that she had no comments.

Mr. Adams moved to approve S-19-13 NCALL Office Building at 223 & 225 West Division Street for a one year extension of approval with associated waivers, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mr. Adams voting yes; it sounds like things are getting back on track and moving forward. Mr. Roach voting yes. Mrs. Malone voting yes; for reasons previously stated. Mr. Hartman voting yes; based upon the comments provided in the applicant's letter dated May 24, 2021. Mrs. Lord voting yes; for reasons previously stated. Mrs. Welsh voting yes; the reasons given are adequate. It sounds like they are going to start moving forward on this and it is a greatly needed building. Dr. Jones voting yes; for reasons already stated. Mrs. Maucher voting yes; based on comments from the applicant stating that things are getting back on track.

S-19-15 White Oak Road Property: Apartments and Townhouses on 3 parcels on White Oak Road - Request for a One-Year Extension of Plan Approval granted by the Planning Commission on August 19, 2019 for a Site Development Plan Application with waivers to permit construction of a three-story apartment building to contain twenty-four (24) dwelling units as well as eight (8) townhouse units, comprising thirty-two (32) total dwelling units and associated site improvements known as the White Oak Road Property. The subject area of three parcels consists of 11.17 acres +/- and located north side of White Oak Road west of State Route 1. The

properties are zoned C-2A (Limited Central Commercial Zone). The owner of record for all three (3) properties is Harman Brothers LLC. Property Addresses: 1317 White Oak Road and other not yet addressed properties on White Oak Road. Tax Parcels: ED-05-068.11-01-05.00-000, ED-05-068.11-01-03.00-000, and ED-05-068.11-01-01.00-000.

Representatives: Mr. Ring Lardner, Davis, Bowen & Friedel; Mr. William Harman, Harman Brothers, LLC

Mrs. Melson-Williams stated that the Planning Commission dealt with this application back in August 2019 and as noted in their letter, the pandemic had them navigating what was being proposed and what they are going to do with the property. The project itself was a proposal for construction of a three-story apartment building; and the project also included a separate area of eight (8) townhouse units a little further east on the property. It is located on the north side of White Oak Road just before White Oak Road goes over State Route 1. The project did have some Waivers related to it as well as an Active Recreation Plan that was considered with the process. They should be working with the various agencies to achieve approvals. In their letter; they are potentially dealing with a perspective buyer for the project. This is a Request for a One-Year Extension. If granted, it would give them through the end of August 2022 to achieve Final Plan Approval and commence construction.

Mr. Lardner stated as Mrs. Melson-Williams mentioned, the applicant has had a couple of purchasers for the project. Unfortunately, a couple of the deals fell through as COVID took grasp of the world. It is currently in a Letter of Intent with a purchaser right now to buy the property and take this project through full construction. One of those conditions is an extension to the primary plan. Thus, they are here this evening to request an extension so that he can finalize a deal. The buyer is a little finicky of course, as we all know with the prices of materials and lumber. They do believe that this extension, as the market starts to normalize a little bit, that they will move forward with the project.

Mr. Adams moved to approve S-19-15 White Oak Road Property: Apartments and Townhouse on three parcels on White Oak Road for a One-Year Extension of plan approval and to include the associated waivers, seconded by Mrs. Malone and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mr. Adams voting yes; given the fact that it sounds like the project is prepared to move forward. Mr. Roach voting yes; for reasons previously stated. Mrs. Malone voting yes; for the same reasons that Mr. Adams stated. Mr. Hartman voting yes; although he had reservations during the original application in August 2019, he votes to approve the extension based on the comments provided in the applicant's letter dated June 2, 2021. Mrs. Lord voting yes; for reasons previously stated. Mrs. Welsh voting yes; for reasons previously stated. Dr. Jones voting yes; for reasons previously stated. Mrs. Maucher voting yes; based on the applicant's letter requesting a waiver.

NEW APPLICATIONS

Z-21-04 Lands of Peter F. and Bonnie S. Reidy at 4 Mifflin Road - Public Hearing and Review for Recommendation to City Council on a Rezoning Application for a parcel of land consisting of 1.248 acres. The property is zoned CPO (Commercial Professional Office Zone) subject to

the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone). The property is located on the southwest corner of Forrest Avenue and Mifflin Road. The owners of record are Peter F. & Bonnie S. Reidy. Property Address: 4 Mifflin Road. Tax Parcel: ED-05-076.09-01-11.00-000. Council District 1. Ordinance #2021-13.

Representatives: Mr. Jonathan Street, Becker Morgan Group

Mr. Swierczek stated that this is an application for a Rezoning at the corner of Forrest Avenue and Mifflin Road. It is a 1.248 acre site; its currently the location of a single family dwelling that is vacant. This is the proposal only for the Rezoning; however, the applicant has indicated that they would intend to put in a service establishment specifically noting a car service with drive-thru. That would be subject to a separate Site Development Plan and review application. Again, this would only be for the Rezoning. The current zoning designation of CPO (Commercial Professional Office Zone) with the COZ-1 (Corridor Overlay Zone) is to go to C-2A (Limited Central Commercial Zone) while retaining that COZ-1 (Corridor Overlay Zone) designation. There is a single vehicle access point on the site via driveway toward the south of the property. There is no pedestrian access onto the site at the moment. With this property in the immediate vicinity, they do have a Land-Use designation of Low Density Commercial; however, it is still retaining some of the original Low Density Residential character. The properties were subject originally in the previous *2008 Comprehensive Plan*. They were designated Low Density Residential; however, in 2012 the owner of this property and the two neighboring properties to the west and south had sought a Comprehensive Plan Amendment to change the Land-Use designation to Low Density Commercial. It is from that change of Land-Use that allowed the Rezoning to be the current CPO (Commercial Professional Office Zone). The Rezoning proposed today to the C-2A (Limited Central Commercial Zone) is consistent with the *2019 Comprehensive Plan* Land Use which recognizes the fact that Forrest Avenue is in a commercial corridor. It has developed significantly over the years as this main access point to Downtown Dover from the west has developed. Planning Staff is recommending approval. It is again, consistent with the Land Use designation of the *2019 Comprehensive Plan*. They are proposing to retain the COZ-1 (Corridor Overlay Zone) which again is a zoning overlay which is to have added specificity in terms of attractiveness, design and its relation to the main road frontage. They do note that a service establishment would be a permitted use in the C-2A (Limited Central Commercial Zone) but again, emphasizing that any development of the property would be subject to a separate Site Development Plan Application to the Planning Commission and would have its own public hearing.

Mr. Street stated that the application in front of them is a Rezoning. It is the corner piece of property shown on the exhibit on the screen. A Rezoning within the City needs to meet three tests. One is compliance with the *Comprehensive Plan*, second is access of public services available to the site, and the third is compatibility with the existing zoning in the surrounding area. Staff has already indicated compliance with the *Comprehensive Plan*. Public services are available for the area as it is right on the western edge of the City itself. He will take a moment to discuss why they feel that this is compatible with the existing zonings in the area. As Mr. Swierczek indicated, Forrest Avenue has become the main access point to the City from the west. Development of the City is actually projected to be from the west. The City's own *Comprehensive Plan* shows Category 2 and Category 3 (Annexation Areas) are on the western

edge of the City's current boundary. He would submit that the C-2A (Limited Central Commercial Zone) is an appropriate zoning for the area. As you can see from the exhibit, there is a Wawa and a McDonald's in the area that are also zoned C-2A (Limited Central Commercial Zone). CPO (Commercial and Professional Office Zone) is a commercial zone that is in the area and surrounding parcels. As you move east, you get into more of the strip center type zones where the Talbots are located and the bank across the street along with Greentree Shopping Center. With that, he would submit that they meet the three-legged test of a Rezoning. They are in compliance with the *Comprehensive Plan*, they have access to public facilities, and it is compatible with the existing zonings in the area. As Mr. Swierczek has indicated, with this application the applicant has indicated that they do wish to further develop the site into a service establishment. There are no formal plans. It is just their desire that they have expressed that to him but there is nothing further.

Mr. Adams questioned what allows this application to C-2A; was it the previous Rezoning that was done just recently in the last couple years that designated those three parcels altogether as commercial? Responding to Mr. Adams, Mr. Swierczek stated that is correct. In the 2008 *Comprehensive Plan* these properties were retaining a Low Density Residential designation for the Land Use. In 2012, the owners of the three properties jointly filed for a Comprehensive Plan Amendment to have them changed from Low Density Residential to Low Density Commercial. That allowed the Rezoning then to CPO (Commercial and Professional Office Zone) which it is today. In the 2019 *Comprehensive Plan* update, which they have finally been getting towards the end of, those properties do retain the Low Density Commercial recognizing the expansion of the commercial east/west corridor of Dover.

Mrs. Maucher opened the public hearing.

Mr. Bob Harrison & Mrs. Rose Harrison – 24 Mifflin Road Dover, DE 19904

Mrs. Harrison stated that they would like to raise some concerns that they have regarding the application. This application is stated to be for a drive-through car wash. These facilities are known for adverse environmental impacts including noise from blowers and vacuums. A high-volume service such as a car wash or should this deal fall through, would it mean increased confusion at an already busy intersection. It is used by pedestrians of all ages throughout the day and for vehicular access for the residents living on Mifflin Road and for those transferring between Route 8 and Route 15. Their third concern is for the other impacts of a car wash or other C-2A (Limited Central Commercial Zone) establishment in this residential neighborhood. This is the eastern edge of the residential area along Forrest Avenue. They urge that the zoning remain CPO (Commercial and Professional Office Zone). They hope that Mr. and Mrs. Reidy find a suitable buyer for uses within the current zoning.

Mrs. Maucher closed the public hearing.

Mr. Adams moved to recommend approval to City Council for Z-21-04 Lands of Peter F. and Bonnie S. Reidy at 4 Mifflin Road to rezone the property to C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone), seconded by Mrs. Malone and the motion tied 4-4 by roll call with Mr. Baldwin absent. Mr. Adams voting yes; he would note that any development of this project would come back to the Commission for full review and oversight.

Mr. Roach voting no; due to the fact that we already know that their intention is a drive-through car wash and because of the amount of traffic volume that we already have on that road from Wawa, McDonald's, Dover High School and the apartment complexes. Anyone who has been on that road at one point in time can agree that a car service with a drive through would make it very hectic on that road. Mrs. Malone voting yes; based on the comments from Mr. Street and Mr. Adams. Mr. Hartman voting no; based on the concerns with traffic. Mrs. Lord voting yes; based on the fact that it is mostly an industrial traffic area. Mrs. Welsh voting no; for the same reasons as stated by Mr. Roach. Dr. Jones voting yes; with reservation. She echoes Mr. Adams' concerns but for the sake of the Rezoning she votes yes. Mrs. Maucher voting no; it is still zoned CPO (Commercial and Professional Office Zone) so there are other opportunities for projects under that zoning. She shares the concerns with traffic and at this point, the more restrictive zoning is appropriate for that particular intersection.

Mrs. Melson-Williams stated that with a 4-4 vote, they can pass that information along to City Council. There is technically not a recommendation one way or the other. She isn't sure if Mr. Hugg has any guidance to give to them at this point.

Mr. Hugg stated that she is correct. It would go forward to City Council with no definitive action from the Planning Commission. It was a split result ending in a tie.

Z-21-05 Lands of Draper Farm Properties at 1617 Forrest Avenue - Public Hearing and Review for Recommendation to City Council on a Rezoning Application for a parcel of land consisting of 5.04 acres. The property is zoned R-10 (One Family Residence Zone) subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue and adjacent to Cranberry Run Drive. The owner of record is Draper Farm Properties LLC. Property Address: 1617 Forrest Avenue. Tax Parcel: ED-05-075.00-01-07.00-000. Council District 1. Ordinance #2021-14.

Representatives: Mr. Jonathan Street, Becker Morgan Group; Mr. Doug Walker

Mrs. Melson-Williams stated that this is a request for Rezoning. The site is the bright blue colored parcel that is located on the north side of Forrest Avenue right at the intersection with Cranberry Run Drive that goes into the residential neighborhood known as Cranberry Run. You can see from the aerial that there are a number of residences surrounding this parcel. The parcel itself previously did have a dwelling unit on it and a series of agricultural related outbuildings; and it was under active cultivation. The property owner is Draper Farm Properties, LLC. That same entity also owns other properties a little further to the west also on the north side of Forrest Avenue; however, this Rezoning application is only pertaining to this five-acre tract of land that is designated here directly adjacent to the Cranberry Run Drive. The property currently is zoned R-10 (One Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). As noted, the applicant is seeking rezoning of the property to C-2A (Limited Central Commercial Zone) and also remaining subject to the COZ-1 (Corridor Overlay Zone). The City's 2019 *Comprehensive Plan* for this property in particular, has a Land-Use Category of Mixed Use. The *Comprehensive Plan* talks about the goals for Mixed Use land areas. It was actually a specific request during our *Comprehensive Plan* review process that happened a couple of years ago. The

property owner at the time sought that land use classification of Mixed Use. With a Mixed Use Land Use Category, there are a number of zoning districts that are eligible under that Land Use Category. With a Land Use Category, it gives them a list of potential zoning districts. Those include the C-2A (Limited Central Commercial Zone), TND, C-1 (Neighborhood Commercial Zone), C-1A (Limited Commercial Zone), and then a series of residential zones including R-8 (One Family Residence Zone), the R-10 (One Family) that it is now RG-1 (General Residence Zone), RG-2 (General Residence Zone), RG-4 (General Residence Zone for Multistory Apartments), C-3 (Service Commercial Zone), CPO (Commercial Professional Office Zone), and IO (Institutional and Office Zone). The COZ-1 (Corridor Overlay Zone) is a zoning overlay. It is not related to use but related more to development activity. It places a series of what we would deem architectural, parking and landscaping guidelines to be followed during the development of a particular property. The use of the property is subject to what the base zoning is and in this case, they are seeking the C-2A (Limited Central Commercial Zone) that allows for a variety of uses. With a Rezoning comes the ability to reference that use list. Tonight does not approve any particular use for the property. It would provide for a different zoning district to potentially be applied to the property for future development activities. The C-2A (Limited Central Commercial Zone) has a mix of retail, service establishments, restaurants, places of public assembly, and also some residential types of development in the form of one family residences. Duplex units, apartments or multi-family dwellings are also an opportunity under this zoning district. The C-2A (Limited Central Commercial Zone) also has several Conditional Uses that would be subject to a specific review and authorization process and that is where they find the use of fuel pumps as accessory to a permitted use. The owner, as noted in their application, was seeking for the C-2A (Limited Central Commercial Zone) to potentially develop the site for a retail store with fuel pumps which would be an accessory use. That is not being locked in tonight; we are just considering the Rezoning of the property.

In the DAC Report, they provided advisory comments as well as the Planning Staff recommendations. Planning Staff is recommending for approval of the Rezoning to C-2A (Limited Central Commercial Zone). They find that it is consistent with the *2019 Comprehensive Plan* in the Mixed Use Land Use Classification. However, they do note that there is significant residential character to this area and that perhaps a different zoning district may be more appropriate that could certainly be considered that would allow for some type of commercial activity but on a smaller scale that is perhaps better to serve the immediate residential area. The Rezoning as noted tonight does not grant approval for a specific use of the property but makes the future development and land use of the property subject to a specific list of uses permitted or potential conditional uses. The DAC members did provide comments for Rezoning and most of those are no objection to Rezoning with some advisory comments regarding future development activity should that occur. Planning Commission is making a recommendation on this application; that recommendation gets forwarded to City Council.

Mr. Street stated that they are asking for Rezoning of the parcel. This is a Rezoning so it has to meet the three tests. One is the *Comprehensive Plan*, two is the public services and the third test is, is it compatible with the existing zonings in the area? He would submit that it is in compliance with the *Comprehensive Plan*. There are public services available on Forrest Avenue although they are a little bit further west and they are probably on the furthest west lot with the exception of Cranberry Run to the City of Dover. As stated before, Forrest Avenue is the main corridor from the west into the City. He would submit tonight, as you travel the corridor and you look at

the City itself, they are the furthest west within the City itself. If you look at the corridor as a whole running all the way out west to the Royal Farms at the light to get into Hartly, you have a smattering of residential properties, agricultural uses and commercial zoned or commercially utilized properties. They are not in large groups. They usually occur around intersections but there is that smattering of commercial uses along that entire corridor. As stated previously in the City's *Comprehensive Plan*, the City's expansion is basically to the west. If you look at the *Comprehensive Plan* Map 13-1 showing Potential Annexation Areas, everything on the left hand side of the City is in a Category 2 or Category 3 priority in long term annexation targeted areas. There have been a lot of comments tonight, especially on the previous application, about traffic. He had a list of about 19 people that have emailed, called or written in opposition of this application. He would suggest that the Planning Commission understand that this is a Rezoning; this is not a Site Plan. This application actually has no future plan. This is a step one of a multiple step process. Even if they were to do anything with fuel pumps, they would have to come back before the Planning Commission for not only a Site Plan but for Conditional Use of fuel pumps. There is no plan for that; there is no equitable owner on this. Any traffic or pedestrian issues or safety issues that are brought up would have to be dealt with within the Site Plan itself. Those would definitely be dealt with either with Staff or through DelDOT. They have spent a considerable amount of time with DelDOT on entrances and improvements like this and he would submit that probably twice the amount of time that they used to in the past. He read all of the emails in the two different packets to the Commissioners and the majority if not all of the concerns are site related issues like safety, traffic, lighting, and noise. He doesn't fault them for their concerns but it is a perfect opportunity at Site Plan time to bring up these concerns. Quite frankly since they have made an effort to actually write their concerns down on paper, all it does is give the owner of the property a list of things that they need to consider when they are developing this piece of property in the future. They can work with within those parameters and take them into consideration as they develop the site but as of right now, they don't have those plans. A lot of those things would have to be met during a Site Plan process. As for the Rezoning itself, zoning has to meet three legs of a stool; compatibility with existing zonings, access to public services and compliance with the *Comprehensive Plan*. Although he understands that there is a large amount of public opposition to it, the public opposition is in relation to a Site Plan that they just don't have. He would ask that the Commission make a positive recommendation to City Council for the Rezoning to allow them to possibly get to Step 2 and Step 3 which are developing something. That is what this does; this enables the owner and the developer to come up with a plan and right now, they don't have one.

Mr. Walker stated that the one thing that he would add is that there is an incredible overlay district as well. There is a whole different set of requirements for what needs to be done there. He thinks that Mr. Street stated it well.

Mr. Hartman stated that he opposes this and he would like to disagree with Mr. Street; this isn't Step 1 of the process, this is Step 2. Step 1 occurred back when the *Comprehensive Plan* was drafted and Mrs. Melson-Williams referenced that a little bit. But in order to give the public a better view of what went on at that August 2019 meeting, he would like to cover just a few of the basics. He would also like to direct the public to go to the City website, download those meeting minutes from December 16, 2019 and see what the applicant said about this parcel of land then when they were advocating that the land designation be changed to Mixed Use. At that time, the Planning Office was advocating that the parcel remain Residential. He is reading from the

minutes; the Planning Office said “they can’t recommend the change in the land use. The character and the existing use of the immediate area of the subject parcel is residential.” The Planning Office was not supporting any change at that time. Unfortunately when the applicant came before this Commission, they made some assurances about what was going in here and the flexibility of the Mixed Use designation. Five of the six Commission members agreed with that and voted to approve this Mixed Use land (use) category which opened the door to what we are seeing tonight. Would the Planning Office consider C-2A (Limited Central Commercial Zone) designation a high intensity commercial? Responding to Mr. Hartman, Mrs. Melson-Williams stated that C-2A (Limited Central Commercial Zone) is definitely a mix of commercial opportunities from a use perspective. In the *Comprehensive Plan*, the C-2A (Limited Central Commercial Zone) category falls into both what they would consider Commercial Low Intensity and Commercial High Intensity from a Land Use Category perspective. It really comes down on a question of intensity to ultimately what is the built-out version of the property. With this subject site, the COZ-1 (Corridor Overlay Zone) is going to have a lot of implications on the buildout of the site because of the significant buffering and design placement requirements. She thinks that certainly the C-2A (Limited Central Commercial Zone) on the question of intensity can lean both ways. She doesn’t know if Mr. Hugg has any additional comments on that from more of the economic development side of things.

Mr. Hartman stated that with the designation of C-2A (Limited Central Commercial Zone), he thinks it is pretty clear in the *Comprehensive Plan*. The separation of high intensity and low intensity is in Chapter 12. Would you consider a convenience store as low intensity? Responding to Mr. Hartman, Mrs. Melson-Williams stated that it depends on the design of the site and its general location.

Mr. Hartman further questioned if she would consider a convenience store with gas pumps a low intensity? Responding to Mr. Hartman, Mrs. Melson-Williams stated that when you have basically two uses, you certainly increase intensity. With the gas pumps, you have certainly more traffic that could be visiting that site because you are offering another retail component.

Mr. Hartman stated that he would advise the residents that are opposing this tonight to go to the *Comprehensive Plan* and look in Chapter 12 at the Commercial Low Intensity areas on Page 12-13 and the Commercial High Intensity areas also on Page 12-13 and remember that when you go to City Council. The City Council meets on July 12, 2021 so the residents opposing this should definitely be at City Council to voice their opinions there. He hopes that they take those meeting minutes from December 16, 2019 and Chapter 12 from the *Comprehensive Plan* to City Council to discuss this. Also the fact that the Planning Office itself in 2019 was saying that High Intensity Commercial should not go in there and that it should be residential.

Mr. Adams stated that he can always count on Mr. Hartman to do his homework and he commends him for that great work. His question is sort of piggy-backing on his comments. Given the opposition back then, it appears that there has been a change of heart with Planning Staff. Now, Staff does recommend that the property be rezoned to C-2A (Limited Central Commercial Zone) while retaining the COZ-1 (Corridor Overlay Zone). How do we marry those two things together? The opposition from the original Rezoning with the idea that it should be kept residential. And now, we have sort of swung the other way to recommending this Rezoning, certainly understanding that Rezoning is not a Site Plan approval. Responding to Mr. Adams,

Mrs. Melson-Williams stated that in the *Comprehensive Plan*, she believes that the applicants original request was for straight up Commercial Land Use Classification and a number of those don't allow for residential or are a very limited residential. The C-2A (Limited Central Commercial Zone) is truly a mixed zone. They see a lot of activity and C-2A (Limited Central Commercial Zone) may be more of that is commercial but it allows for a mix of uses to happen on the property. Be it in the same building or in separate buildings, it allows that opportunity for mixed use. When they go to the *Comprehensive Plan* as adopted to place the Land Use Category of Mixed Use on this parcel, then they are looking at the goals of the Mixed Use area as part of the *Comprehensive Plan*. They cited that in their Report where it is discussed. The goals for Mixed Use areas are to encourage neighborhood centers. Some of that allows for commercial services perhaps to be within walking distance of residential areas and to promote both what could be vehicle access as well as pedestrian access or multi-modal opportunities. This is a pocket of truly residential with a large school site nearby. They do recognize that but they think that there are opportunities for a mix of uses. Just a straight Commercial zone probably at the time that they were looking at the *Comprehensive Plan* was the reason for the original opposition. But for the Mixed Use, they are encouraging that life is changing how land uses are not as segregated as they once were throughout the City. They think that this is an opportunity which is why they recognize that C-2A (Limited Central Commercial Zone) is compliant with the *Comprehensive Plan*. They do note in their comments that if that is a zone that is a little bit too much, there are some other commercial zones that could be considered as more appropriate for the location. They didn't make any particular recommendation but there are certainly others that could be considered as more appropriate. She would also go to Mr. Hugg for additional comments on this transition and more from the Planning Office in their opinion of what was presented from consideration.

Mr. Hugg stated that he thinks Mrs. Melson-Williams summarized quite well the deliberations that we had. As Mr. Hartman points out, this matter did come back to the Planning Commission where it was discussed again at some length. He thinks that their collected judgement after some reconsideration and looking at the goals from Mixed Use was that it was a more appropriate land use designation and that land use designation carries a variety of opportunities for commercial and residential activities to occur. The C-2A (Limited Central Commercial Zone) category is perhaps at the edge of where one might describe commercial as low intensity or high intensity. It is certainly not in the same class as the kind of high intensity commercial uses that they have designated elsewhere in the City where that kind of activity makes more sense.

Mrs. Welsh stated that during the presentation from Mr. Street, it was mentioned a couple of times that there is really no plans as of yet as to what they want to do with the property. So, she is a little bit confused as to why the application says that the identified potential use would be a convenience store with fuel pumps. It seems like that is the primary consideration for any future plans. Is there some other use planned that could be different than that that would be more in line with a lesser commercial use or more in tune with some residential use? Responding to Mrs. Welsh, Mr. Street stated that they struggle more often than not with Rezoning or tying a Site Plan to a Rezoning. There is a line item that asks what the intended use is and that is how they get tied into Site Plans with Rezoning. Thank you to Mr. Hartman for the history; he was not involved in those meetings. You always do your homework with past issues on the project. What was requested from Staff previously, he is unaware of. His understanding of the conversations is the potential for something of that nature, but he has no knowledge of any formal plans or any

formal uses for that. Clearly, they picked the most controversial use that they could possibly pick for C-2A (Limited Central Commercial Zone), but they are trying to engineer and discuss a Site Plan that they just don't have a Site Plan for.

Mr. Roach stated that this is probably his first time of ever being on the Planning Commission and not being in favor of two applications in the same meeting. He doesn't think that it has ever happened with them. He thinks that they are really progressive in regards to site developments and land developments and approval of rezoning. But he just wants to continue his reluctance when it comes to rezoning situations because yes, it is just a Rezoning but once they do rezone it does allow permitted uses. They have run into situations where once they rezone the property, they have been more handcuffed and have less say so because if it is a permitted use, it becomes a little more difficult for them to say that they disagree. Also, it is a five-acre site. So, he is just imagining that when he is looking at uses that are permitted for the C-2A (Limited Central Commercial Zone), it is for retail, hotels, restaurants or a lot of other things that they could put there even if it's not a gas station. He is a social worker and putting something like that right across the street from a high school with kids that have a lot of walking back and forth is an issue. Again, it is on Route 8. It is a five-acre site smack dab in the middle of residential area where there are eighteen people in that area who are already opposed to the Rezoning. He thinks that they are playing with fire. This is a five-acre site with opportunity to do a lot of different things. He appreciates Mr. Street for being very upfront in saying that he doesn't have an idea. But again, the same thing that Mrs. Welsh said; it says right on the application the intended use is a retail store with accessory use for gas pumps. So if you don't know, you at least have an idea of what you direction you are going. Honestly to him, putting a gas station right across the street in this area would not be beneficial in his opinion. He appreciates everyone and all of the residents that reached out; continue to do so because at the end of the day yes, we want to build up our developments, but he believes that the people of Dover are the people who should be actually having a voice in this situation.

Mrs. Maucher opened a public hearing.

Mrs. Melson-Williams stated that she wanted to make reference to the written public comments that they received. A number of those people are on the call tonight hoping to participate but she just wants to make sure that their written comments are referenced. In the Planning Commission Packet that went out on June 11, 2021, they received two emails. The first one being from Jaime and Lenny Palanca of 110 Falmouth Way which is within the Cranberry Run subdivision objecting to the Rezoning. The second email was from Richard and Victoria Stoops for 1590 Forrest Avenue; again, objecting to the Rezoning. Those emails went out the Planning Commission packets and those were entered into the record this evening. Today, Staff gathered the comments that they received over the last few days. There is a total of seventeen of them plus another one that came in after they were distributed to the Commission. This is the Public Comment Set #2 and it is a series of emails received through 4pm today, June 21, 2021. These were collected, inventoried and emailed to the Planning Commission members. She is just going to quickly read through them. These are all opposed or noting some type of rejection to the Rezoning with the exception of one which was ensuring that they were requesting an opportunity to speak this evening. We have emails from Richard Smith; an email from Beverly Sutton at 1618 Forrest Avenue; an email from Jack Sutton also from 1618 Forrest Avenue; an email from R. Nesline of Cranberry Run; an email from Jessica Parcher in the Heatherfield neighborhood;

an email from Connor Mahoney also from Heatherfield; an email from C. Faubel objecting; an email from James and Jean Ritter also opposing the Rezoning; and an email from Judy Weiner of 21 Stoney Drive. Emails received today include those from Karen Nickerson of 24 Stoney Drive; an email from Yvonne Biddle; an email from John Davis requesting the opportunity to speak this evening, and two emails from Richard Heisler (one that was received this morning and then one that was received after 4PM). Both are similar in content but she will reference both of them for the record. There is an email from Robert Hice of 124 Chelsea Way in Cranberry Run. There is an email from LaTende Henry of 118 Falmouth Way. There is an email from Patricia Cohen of 1602 Forrest Avenue. The last is an email from Jackie George of Cranberry Run. All of those emails are entered into the record and were provided to the Planning Commission members.

Mr. Jack Sutton – 1618 Forrest Avenue Dover, DE 19904

Mr. Sutton stated that he has lived here for 18 years and this is a great side of the town to live on. They built the school back here and they really enjoy the school. He didn't approve of it at first, but he really enjoys the school. The kids and everybody does a good job. This is a great place to live; everybody knows everybody here and there is no trouble. He loves it here. You need to keep that place residential with just single-family dwellings. This is a hell of a place to raise kids or even for elderly people. We all stick together on this side of town. There is so much traffic here as it is. If you put something here, it is just going to amplify accidents or kids getting hit. We have all kinds of people that jog or walk here. There are elderly and young and they walk with their families and pets. This is a great place to live; don't mess it up by sticking something like that in here. This is a place that you want your kids to grow up. Don't screw something up that works. That's the problem with government and companies; everybody wants to make money. And sometimes it is not all about the money; it is about a good quality of life. He is begging the Commission to please leave it residential. This works and we need to keep something in Dover that works.

Ms. Karen Nickerson – 24 Stoney Drive Dover, DE 19904

Ms. Nickerson stated that she won't be redundant and say what she has already wrote but the traffic on Route 8 is horrendous. If anybody tries to get out of Heatherfield or Cranberry Run, they sit and wait. They don't need something else between our two developments that is going to produce more traffic and more waiting. These two developments are the westernmost residential areas in the City limits if she is looking at the correct map. She believes that the Commission needs to leave it residential.

Mr. Guy Smith – 8 Yarmouth Way Dover, DE 19904

Mr. Smith stated that there is a lot of traffic on Route 8 especially since they have built the school. They have basically one area to get across the street for all of the students living in the four subdivisions on the north side to get to the school. A lot of them have to walk two or three blocks in the wrong direction to cross the street safely and walk back. High school students don't do that. They are already coming out of Cranberry Run and go right across the street right at the end of the residential areas on the south side. He sees people that are walking and jogging doing it also. From what he understands, when all of the school was developed they said that they could not put a stop light at Cranberry Run or Heatherfield because of the proximity of the other two down at Mifflin Road and at the other end of the school. If you put in any type of commercial endeavor here with no light, you've got three subdivisions and a bunch of individual

homeowners that only have one access to the road. We already sit and wait. Sometimes in the morning he could wait 30 minutes to get out of his subdivision. You can't continue adding more and more traffic without additional ways to alleviate that traffic. He doesn't care so much if they say they are going to change it to some other zoning that might keep it to a low density or if you say you are going to put duplexes or something other than single family homes but it needs to stay residential. It needs to have the access to the main road which right now, is very limited as it is. He doesn't know who you are going to get more and more people on this road safely. If you put a convenience store here, he can guarantee you that those high school kids are going to go to lunch crossing that highway to get to the convenience store. You have already said that they can't put more crosswalks or things like that in there because of the proximity of others. You are going to be increasing the danger to our children and to other residents that are going to be crossing this street more than what they do now. He hopes that the Commission really takes that into consideration and keeps this in the residential arena.

Ms. Louise Bordley – 43 Stoney Drive Dover, DE 19904

Ms. Bordley stated that she has been here for 20 years and has seen a lot of changes. She knows that you have heard over and over again how bad the traffic is but what you don't know is this. She is 69 years old and she has always been a safe driver. She is now taking chances trying to get on the other side and almost having accidents. She believes that if you rezone now, then they are going to come right back to try to stop what they are going to build.

Mr. Chuck Hampton – 13 Stoney Drive Dover, DE 19904

Mr. Hampton thanked Staff and the Commission for their patience and kindness. He believes that it compromises the neighborhood. A gas station will not only put gas in your car but crime will increase in the neighborhoods and can endanger the lives of the high school kids. This can also create a negative impact for the sale of homes. When you look at that beautiful area, putting a gas station there just doesn't work and it doesn't look nice.

Mrs. Heather Hampton – 13 Stoney Drive Dover, DE 19904

Mrs. Hampton stated that her main concern is the noise level. Based on the Wawa down the street, there are constantly motorcycles with their radios on and she just thinks that is an awful thing to have.

Mr. Griffin DuBreuil – 23 Stoney Drive Dover, DE 19904

Mr. DuBreuil stated that he would be opposed to this Rezoning attempt. He has been here for 35+ years and the traffic has increased exponentially over the years. Should this be rezoned to commercial, you could have a potential for higher crime. Should a gas station get built here, it will cause crime, light pollution, gas pollution and water pollution. It would just ruin the character of this side of town; and he is so hardly opposed to this Rezoning.

Ms. Yvonne Biddle – 1598 Forrest Avenue Dover, DE 19904

Ms. Biddle stated that she lives directly across from the property. She agrees 100% with everything that has been said.

Ms. Jean Ritter – 106 Falmouth Way Dover, DE 19904 (technical difficulties speaking)

Mrs. Melson-Williams stated that Ms. Riddle wrote in the chat, “With more understanding of what C-2A (Limited Central Commercial Zone), this Rezoning opens pandora’s box. Basically, it allows just about anything to be put on this property. This is not a logical change with mostly residential and a high school within close proximity. Please add this to the public record.”

Mr. John Davis – 4 Stoney Drive Dover, DE 19904

Mr. Davis thanked the Planning Staff for the help that they have given him. He also wanted to thank Commissioner Hartman for the information. Mr. Street mentions that the proposed use as a convenience store and that there is no plan. The fact of the matter is that this particular zoning will in fact allow something for that and they have expressed an interest in a Conditional Use. When you pass this zoning law, that will in fact be an allowable use. He thinks that it is totally inappropriate. He has researched some of the potential retail establishments along these lines. One of the reviews that they got was that this was the place to be at 2AM in the morning because they’ve got everything you need. When you look at that and compare it to Wawa, which at one time because of some problems with after parties that were going on over on College Road, they had to shut down. There have also been burglars constantly patrolling Wawa lots. None of these stores are equipped to police those places. One of the things that concerns him is that as somebody who has had experience in public schools is that this particular place is going to attract kids from Dover High School. Granted the High School is going to do a stellar job to keep those kids on campus, but they are going to run across the street and someone is going to get hit. When you look at the map, that as opposed to the previous project on Forrest Avenue, which is a mile away from this particular location, it is all single-family dwellings. Every single one of those go on the west side of Stoney Drive, across the street on Forrest Avenue, and all of Cranberry Run are all single-family dwellings and he thinks that is what the propriate zoning should be. He is opposed to any kind of change.

Ms. LaTende Henry – 118 Falmouth Way Dover, DE 19904

Ms. Henry stated in the chat that she is here for the Route 8 Rezoning and she will not be speaking since she sent an email earlier.

Ms. Lynn Sadusky – 16 Stoney Drive Dover, DE 19904

Ms. Sadusky stated that she is a new resident to Heatherfield but not to Dover. She has lived here since 1969. She wants to second what everyone said tonight especially Mr. Hartman and Mr. Roach. She wants to thank them very much for speaking up for the residents in the Dover community that live surrounding this site. She thinks that they have at least 150 families in East Heatherfield. She is sure that there is an excess of 80 families in Cranberry Run, at least 50 in Heatherfield West,0 and then the neighbors across Route 8 who would be severely impacted. She is opposed to this Rezoning. The property is surrounded by residential areas and this property should stay residential. She thinks that one of the biggest concerns in addition to the traffic problem that we are already facing when trying to leave the neighborhood is the students at Dover High School and the unsafe situation that it would put them in. She just wants to say that when the High School first opened up, she was working at Dover High School. If she left the

house at 7AM, there was no way that she could get into the high school traveling just 5 miles because of the traffic on Route 8 when school is in full swing. She would have to go around through Sharon Hill Road and Deer Track Lane and come in from the west side just to get into Dover High School on time. It has been a problem and it remains a problem. She thinks that one of her neighbors said that she has to schedule doctor's appointment around other times of the day instead of start and end times for school because it is very difficult to get out of the neighborhood. She just wants to urge everyone to please pay attention to the neighbors who will be immediately impacted by such a change. This is our home; this is where we live and people want to feel safe and comfortable in their homes. Such a development of commercial use for that property would make us feel less safe and less comfortable. She also wants to ask everyone listening, especially the Commissioners and developers. Would you like to live in Cranberry Run or Heatherfield or across the street on Route 8 or if you had a child attending Dover High School, would you want this property to be Rezoned?

Mr. Adewunmi Kuforiji- Capital School District 198 Commerce Way Dover, DE 19904

Mr. Kuforiji stated that as the Commission makes their decisions, he wants to encourage them to make sure that they think about the investment that the community made with Dover High School being set at that location. It is a great learning environment and he thinks that it is a great flagship for the community. He hopes that it brings people into our community. They have tried to build a learning environment that is safe for our students.

Mrs. Maucher closed the public hearing.

Mr. Hartman questioned that in the event that Commissioners thought that this land use designation of Mixed Use was possibly a mistake, what would be the protocol for us to initiate a return to the previous land use designation? This would be to prevent other applicants from going down this same path. This is a residential area. What would be the protocol to change the *Comprehensive Plan* to return this to the designation as a residential area? Responding to Mr. Hartman, Mrs. Melson-Williams stated that amendments to the *Comprehensive Plan* and how that process works is outlined in the *Comprehensive Plan* itself in Chapter 15. The *Comprehensive Plan* on Page 15-10 notes that any amendments to the *Comprehensive Plan* are approved by City Council by recommendation of the Planning Commission and they have a review process with the Office of State Planning Coordination. Specific requests to amend the *Comprehensive Plan* may be initiated by Planning Staff, City Council or applications from the general public. It doesn't specifically list the Planning Commission there, but she thinks that it would take at least a motion to that affect to have Staff perhaps initiate that. They do *Comprehensive Plan* amendments once a year and that filing timeframe is in December of each year and then they are considered in the January through March timeframe of the following year.

Mr. Hartman stated in the event that this is not approved, if the residents don't want to face this in the future, you should contact your City Councilman or look at the *Comprehensive Plan* and initiate a change to the land use designation for this area so that it returns to residential. Take that Mixed Use category away from here and you won't be faced with these commercial uses again. To Planning Staff, would you be willing to initiate a change to the *Comprehensive Plan* to revert

back to residential from Mixed Use? Responding to Mr. Hartman, Mrs. Melson-Williams stated that she thinks that they would be looking at the *Comprehensive Plan* and if there was significant change in a neighborhood area, they could bring forward something. She doesn't know if Mr. Hugg has any other thoughts. Typically, Staff has not necessarily done requests such as this that she is aware of. She knows that they just did a series of amendments that were identified because of zoning concerns related to their Comprehensive Rezoning Project.

Mr. Hugg stated that he thinks that first the matter before you tonight needs to be resolved because you have an active application in front of you. They would certainly give full consideration should the Planning Commission determine that is the direction that they would like to see them move. Again, as Mrs. Melson-Williams indicated, the timing for such action is specified in the *Comprehensive Plan*. But he thinks in fairness to the applicants and in fairness to the process, you need to resolve this matter at both the Commission's level and at City Council's level before we consider moving forward with some other change. He thinks that they owe that much to all of the parties involved, whatever the ultimate recommendation tonight is.

Mr. Hartman moved to recommend to not approve (denial) to City Council for application Z-21-05 Lands of Draper Farm Properties at 1617 Forrest Avenue and that is taking into consideration public safety, the health and welfare, comfort and convenience of the general public and the residents of the immediate residential area and particularly the comments that they have read and heard this evening. Leave this at its current R-10 (One Family Residence Zone), seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mr. Hartman voting yes to not approve; for reasons previously stated. Mrs. Lord voting yes to not approve. Mrs. Welsh voting yes in favor of not approving; for reasons stated in the motion. Dr. Jones voting yes; for reasons stated by Mr. Hartman and certainly for the concerns and comments made by the residents in that area. Mr. Adams voting yes; he is quite torn here but certainly tips towards the residents and their passion to please with respect to this property. Mr. Roach voting yes; for reasons previously stated and due to all of the residents sharing their concerns. He echoes those concerns and again he definitely is all in favor of rezoning when it makes sense in regards to the area. But when you have this many people opposed to it, he has to definitely vote in favor of the motion to not allow the rezoning for this property. Mrs. Malone voting yes; for reasons stated, Mr. Hartman's reasons, and also the residents and property owner's reasons. Mrs. Maucher voting yes; in looking at the goals of the mixed land use, she thinks that there is opportunity for some commercial that blends mixed land use toward pedestrian use and bicycle use which some of these larger commercial zones would not allow.

S-21-06 Dover Park Recreation Projects: Community Building, Spray Pad & Accessible Playground Improvements – Public Hearing and Review of a Site Development Plan to permit construction of a one-story 2,619 SF Office and Community Building, Spray Pad, Accessible Playground and other related site improvements. Two subject properties are part of the overall seven properties which comprise Dover Park. The properties are zoned ROS (Recreational and Open Space Zone). Dover Park is located on the southeast side of White Oak Road and west of

Acorn Lane with access from White Oak Road. The owner of record for all parcels is the City of Dover. Property Address (All parcels): 1210 White Oak Road. Tax Parcels (Project Parcels): ED-05-068.15-01-02.00-000, ED-05-068.15-01-01.00-000. (Other Parcels part of overall Dover Park Site): ED-05-068.15-01-05.00-000, ED-05-068.19-01-28.00-000, ED-05-068.19-01-29.00-000, ED-05-068.19-01-30.00-000, and ED-05-068.19-01-31.00-000. Council District 3.

Representatives: Mr. Robin Eaton, City of Dover Department of Parks & Recreation; Mr. Michael Campbell, WRA

Mrs. Melson-Williams stated that this is a Site Plan Application. It is a proposal for three components to expand the offerings at Dover Park which is one of the City's major parks. It has playground spaces, a variety of athletic fields, parking facilities, and some natural wooded areas. The proposed project would add to that property: an Office and Community Building, a Spray Pad Area and an Accessible Playground. The new building is 2,619 SF. It is proposed as a one-story structure. You can see the architecture here (presentation on the screen) and it has kind of a series of exterior finish materials in both masonry and shingle components. They are also making use of some natural light with a clerestory window system with the angled roof. For those of you that may remember, there previously was a building on the Dover Park site. It was demolished in 2014. As part of the City's Recreation Needs Assessment, it has been one of the targeted projects to put a building back within this Park for programming opportunities. The Park is zoned ROS (Recreational and Open Space Zone). The Park has an access point from White Oak Road; the entrance drive and a concrete paved trail that leads to the first parking area or the north parking area. There is an existing pavilion and some play equipment in that area currently, but this is the proposed site for development of these three new amenities. Again, being the Community Building, which also includes some of the mechanical systems for the Spray Pad component and then also expansion of the Playground opportunities with two different age areas for playground equipment and a swing area. This whole facility that is proposed has a series of connecting sidewalks and plaza areas. It includes bench seating and some shaded areas including tables. There are a number of trees that would need to be removed for development of these facilities. However, they are including trees planting of fifteen (15) new trees in this area, as well as a number of planting beds that have other perennials and ground covers as you move around this area. There is a heavier density to the landscaping plantings to the western edge of the development area where the swings are. This part of the property is adjacent to a residential area and there are some multi-family units neighboring to the west. There is some increased landscaping in that area to mitigate any kind of noise in that area. Planning Staff did review this and there a couple things that they are noting as part of their recommendations. The project in this area does not include upright curbing. They recognize that as an existing condition. There is a little bit of curbing near the proposed building location which will have some accessible routes added in the form of ramps there. This site is connected to existing sidewalks and trails that lead to it from White Oak Road. There is a good population density in this area that could be walking to this Park so they want to make sure that that sidewalk is in good repair. They are recommending that they include places for bicycle parking because there may be some travelers that will arrive that way and to make sure that there is adequate parking for their bicycles as they

use the facilities here. They do also note that at least one of the tables should provide for what they deem handicap accessible seating. That is really just in the choice of the type of table that is provided so that it allows for a roll-up and under for someone who may be in a wheelchair to enjoy that opportunity for seating at a table. It is noted that there is likely to be kind of a phasing approach to construction of these amenities as funding allows with City budget and/or grant opportunities that they are pursuing. They are encouraged to work with Staff and they will assist in trying to identify nice clean breaks between amenities and requirements for pedestrian connections and tree plantings in the area. The DAC agencies have also provided comments. A number of them are really focused on when you add a building to a site, what you need for services, and dealing with some minor stormwater management improvements that are planned to kind of through piping, gather the necessary water for removal and get it into existing systems that are already on the property. There are no specific Waiver requests that need to be addressed this evening.

Mr. Eaton stated that Mr. Campbell is going to do most of the questions and answers with this project.

Mr. Campbell stated that they are super excited about this project. The project is a total of five different projects and what you see here are three of those projects with the new 2,600 SF Community Building that will have a gathering room as well as provide restrooms for the outdoor services which are going to include a new Spray Pad shown as the circle in the middle of the plan. That is going to be a facility that utilizes a recirculation system that will provide activated push button activities for all ages for water in the summer. It will be a very nice feature for the community and for the City. The third piece of this is a fully Accessible ADA Playground that will be in addition to the playground features that are on-site. They are going to be modeling this off of some of the Can Do Playgrounds which are also located in the State. There is one located in Wilmington, DE and also one in the southern part of the State. The nice part about those playgrounds is that they are designed for all users. It will be designed for ADA accessibility as well as many other disabilities that can use the site. As Mrs. Melson-Williams mentioned, they are probably going to be looking at building the Building and Spray Pad first depending on available funding. They are really far along with the plans and we hope to have a final set of construction plans ready for advertisement by the end of the summer. As Mrs. Melson-Williams mentioned, there was an existing building onsite before. This Building will also house Parks and Recreation representatives, but it includes an office space as well as a mechanical room for the building and pump room that will supply the pump mechanicals for the Spray Pad. It will also include a gathering space that will hold fifty to sixty people for a small event and for possible rent-outs for the Parks and Recreation Department.

Mr. Eaton stated that there is going to be an educational component to the Building. It is replacing the old building that was there. They are very excited about this Building going in and the things that they can do with the Building in that neighborhood and the programs and things that they can have there.

Mr. Hartman questioned how many picnic tables there were going to be? Responding to Mr. Hartman, Mr. Campbell stated that we currently show three tables that are just to the northwest of the Spray Pad. They would be under a shade structure so they would have partial shade over top of them. They also show two additional tables to the south of the Spray Pad as well.

Mr. Hartman further questioned how many of those have the roll-up capabilities for a wheelchair? Responding to Mr. Hartman, Mr. Campbell stated that the plan set that they submitted did call out one of those tables as ADA accessible but for some reason it is not showing properly. At least one of those tables will have to roll-up capabilities, but they can certainly look at more of those if desired.

Mr. Hartman stated that he was curious what the constraints were for having that capability for all of the tables. Is it a cost, is it a design size? What is the constraint to keep that from happening on all of the tables? Responding to Mr. Hartman, Mr. Campbell stated that it is primarily the total number of seats that become unavailable having the one side of the table be the roll-up for all users. He thinks that it really has to do with the total amount of seats for the site.

Mrs. Maucher opened a public hearing.

Mr. Matthew Harline – City of Dover Assistant City Manager

Mr. Harline stated that this project is budgeted in the FY22 Budget for the City of Dover and the only constraint that they have right now in terms of getting the project underway is approval of this meeting. Then the funding has become a little bit more dicey because of the cost of lumber. They are hoping that it will come down over the next couple of months. Then they can proceed with this and by this time next year, they will have a constructed building.

Mrs. Maucher closed the public hearing.

Mrs. Welsh moved to approve S-21-06 Dover Park Recreation Projects: Community Building, Spray Pad and Accessible Playground Improvements and it is great to see it, seconded by Mrs. Lord and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mrs. Welsh voting yes; it looks to be a well-developed plan and she thinks that it is sorely needed in that area. She knows the area well and looks forward to seeing some great things happen there. Dr. Jones voting yes; she concurs with Mrs. Welsh, Mr. Adams voting yes; he would like to see this project get going for the residents in the City. Mr. Roach voting yes; for reasons previously stated. Mrs. Malone voting yes; for reasons previously stated. Mr. Hartman voting yes; for the comments by Staff and for the DAC Meeting of June 9, 2021. Mrs. Lord voting yes. Mrs. Maucher voting yes; for reasons previously stated and she is very pleased to see it come to fruition.

MI-21-07 Text Amendment: Permitted Uses within the SC-3 Zone - Public Hearing and Review for Recommendation to City Council of Text Amendments to the *Zoning Ordinance*, Article 3 – District Regulations, Section 17 – Shopping Center Development Zone. The proposed Ordinance outlines additional permitted land uses within the existing zoning designation of SC-3 (Shopping Center Development Zone: Regional Shopping Center). The proposed amendment to the

Ordinance is to retain current permitted uses, but additionally include within the SC-3 Zone: “warehousing, transshipment and distribution, and logistics support.” The proposed changes reflect changing customer concepts of shopping, the decline of the traditionally large format retailer, the influence of online retail operations, and the evolution of wholesale and the logistics distribution sector. Ordinance #2021-12.

Representatives: None

Mr. Hugg stated that we are all aware that across the country traditional shopping centers and traditional shopping malls are in decline. This is happening for a variety of reasons. Some of them are because these are older and somewhat obsolete but more importantly because the change in shopping and customer desires. In fact, we are seeing a lot of the large world established retailers evolving into different kinds of businesses than they have traditional been involved in. They have seen the growth in online retail, including something that he learned about which is “buy online and pickup in store”. That is actually what is happening with Macy’s. And also the fact that wholesaling supply processes that we used to know have changed substantially. The Dover Mall certainly hasn’t escaped with all of these things going on in the country. As a result, about 12% of the Mall is empty. For example, the Sears Store at 112,000 SF is unlikely to ever be the retail anchor store. They have had some inquiries from time to time in the City of Dover about facilities for wholesale and distribution logistics to support particularly on the retail side, as they have witnessed with the Macy’s activity. Unfortunately, our current SC-3 Zone does not permit that kind of use. It doesn’t prohibit it; it simply doesn’t include it at all. The amendment that is before the Commission is trying to provide some additional flexibility in the SC-3 (Regional Shopping Center) that would allow potential use of those areas for wholesale, distribution and logistics. The Amendment before you would add wording to allow wholesale, distribution and logistics. It would also clean up the language striking some language that is undefined in the current Ordinance. They have had some inquiries about the Dover Mall. They don’t have anything immediately pressing but this is a move that they are hoping to make to make the City and the facility more interesting and accessible to other uses.

Mr. Hartman stated that the zoning doesn’t prohibit these activities. Would it be in the realm of things to suggest a Conditional Use rather than a change to the zoning language? He doesn’t know who else would benefit from this besides the Dover Mall. Responding to Mr. Hartman, Mr. Hugg stated that at the moment, the only property under this zoning is the Dover Mall. Some years ago the original mall, the Blue Hen Mall, was rezoned to SC-2 which is more of an office focus. That is where the Social Security Office, Bayhealth, and the Veteran’s Administration have located. He doesn’t know whether requiring this to be a Conditional Use as opposed to allowing the use under this zone; he is not sure what that achieves. The proposal here is simply to add it to the list of other uses that are allowed.

Mrs. Maucher 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 MI-21-07 Text Amendment: Permitted Uses within the SC-3 Zone, seconded by Mr. Adams and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mrs. Welsh voting yes; based on Mr. Hugg’s comments

and after reviewing the application, it is appropriate for the upcoming consideration for that facility. Dr. Jones voting yes; based upon Mr. Hugg's presentation and the fact that she would like to see the Dover Mall form another personality. Mr. Adams voting yes; for the reasons previously stated. Mr. Roach voting yes; for reasons previously stated. Mrs. Malone voting yes; based on previous reasons stated. Mr. Hartman voting yes; based on the Report to the Dover Planning Commission dated June 21, 2021. Mrs. Lord voting yes; based on what Dr. Jones stated. Mrs. Maucher voting yes; based on reasons previously stated.

NEW BUSINESS - None

Meeting adjourned at 9:58 PM.

Sincerely,

**Kristen Mullaney
Secretary**