

CITY OF DOVER PLANNING COMMISSION
July 21, 2025

The Meeting of the City of Dover Planning Commission was held on Monday, July 21, 2025, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chair Mr. Witham presiding. Members present were Mr. Michael Lewis, Mrs. Denney, Mrs. Maucher, Mr. Baldwin, Mr. Reaves (virtual), Mrs. Welsh, and Mr. Witham. Mr. Roach and Dr. Jones were absent.

Staff members present were Mrs. Dawn Melson-Williams, Mr. Christopher Salzano, Mr. Jason Lyon (virtual) and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Mrs. Maucher moved to approve the Agenda as submitted, seconded by Mrs. Welsh and the motion was carried 7-0 with Mr. Roach and Dr. Jones absent.

APPROVAL OF MEETING MINUTES OF JUNE 16, 2025

Mrs. Maucher moved to approve the Planning Commission Meeting Minutes of June 16, 2025, seconded by Mrs. Welsh and the motion was carried 7-0 with Mr. Roach and Dr. Jones absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, August 18, 2025, at 7 PM. At this point, that is a tentative meeting. It may be canceled depending on outcomes this evening. At the present time, we have no applications to bring to you for that date. We will confirm if the meeting is canceled in early August.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on June 23, 2025 and July 14 & 15, 2025.

Mrs. Melson-Williams stated that the Planning & Inspections Department still has several vacancies. We had a new person start today as one of our Office Assistants as part of the Permits and Licensing Team. So, we welcome Ashely Walls. She was previously part of the team in the City Clerk's Office. Included in your packet was really some public information that she wanted to share. There is an opportunity on the behalf of Parks & Recreation for the City. They have scheduled a Silver Lake drawdown which is when they open a valve on the dam that lowers the water level within Silver Lake. That has been scheduled for Monday, October 6, 2025 through Friday, October 17, 2025. That is an opportunity for people with lake frontage to do repairs and clean up along their frontage and if they need to do any deck repairs or dock repairs. That is also an alert to boaters who may have a license to be out on Silver Lake as well. They do an announcement early on so that you can plan accordingly. If you have questions on that, just reach out to the Parks and Recreation Department.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS

S-25-10 Dover Industrial Phase 2: Warehouses at 350 Lafferty Lane – Public Hearing and Review of a Site Development Plan Application for the Phase 2 construction of two Warehouse Buildings: Building B of 45,000 SF and Building C of 133,000 SF (totaling 178,000 SF for Phase 2) with site improvements. Phase 1 of the project consists of Multi-Tenant Flex Warehouse Building A of 54,000 SF. The property is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone): Accident Potential Zones I & II. The property consists of 19.74 acres. The property is located on the north side of Lafferty Lane, approximately one-quarter mile west of Horsepond Road. The owner of record is Dover Industrial, LLC. Property Address: 350 Lafferty Lane. Tax Parcel Number: ED-05-077.16-02-05.00-000. Council District 2. PLUS Review #2024-08-08. *For Consideration: Performance Standards Review Application and Tree Mitigation Plan. Phase 1 of this project was approved with Site Plan S-24-13 Flex Use Facilities Commercial Warehouse.*

Representatives: Mr. Brett Davis; DS Development; Mr. Travis Martin, DS Development

Mrs. Melson-Williams stated that this application is for the Dover Industrial Phase 2 Warehouses at 350 Lafferty Lane. This is a project property that is zoned M (Manufacturing Zone) and also subject to the AEOZ (Airport Environs Overlay Zone). Specially, the area shown on the screen in blue is the Phase 2 area that we are concentrating on this evening. The Phase 1 area is shown in a light red color. That was previously Application S-24-13 Flex Use Facilities Commercial Warehouse and that project was reviewed in the fall of 2024; and it is under permit for construction at the present time. This project for Phase 2 is for the development of what is labeled Building B of 45,000 SF and Building C which is much larger at 133,000 SF. These are to the north of what is the Phase 1 Area. The Phase 1 Area included Building A and then improvements to expand the stormwater management facility found on the eastern portion of the project site. The project was reviewed previously through the Preliminary Land Use Services (PLUS) review process back in August 2024. With this project zoned M (Manufacturing Zone), there are specific uses that are allowed in the Manufacturing Zone and there are also uses that are specifically prohibited. Certain types of manufacturing are not allowed. Additionally, when it comes to uses, we have to look at the AEOZ (Airport Environs Overlay Zone). There are some limitations as to maximum height in that zoning overlay and then additionally all uses of the buildings. Various tenants that may end up in these spaces must comply with the land use compatibility table in the AEOZ (Airport Environs Overlay Zone). The general use as warehouses may be generally allowed but more specifically what they are housing? We have to look carefully at those two zonings, the M (Manufacturing Zone) and AEOZ (Airport Environs Overlay Zone), to confirm compliance for that use. For the site development, overall it requires 290 parking spaces which they are depicting. There is kind of banks for parking that are proposed here in Phase 2 between the two buildings. Then each of the Buildings B and C have one face of the building that is a series of loading spaces to access the loading docks. On this screen, Building B would have that on the right hand side which is the south elevation and

Building C which is the building on left, has it on its north elevation. Additionally, the project is providing bicycle parking. The applicant did provide a general view of architecture for the building. It is basically a tall one-story building. It has a very low slope roof. The images for where tenant entry doors would be located tend to be highlighted at the corners and some central locations along the long walls. Then you can see that the other face of the building is the loading dock area which would have select locations for the roll up door scenario. Basically, it's a metal building with some detailing given by color and those added features at entry point locations. Going back to the site, this site shares an access with its neighbor at 300 Lafferty Lane. That entrance was previously designed and built in anticipation of this expansion here on 350 Lafferty Lane. The sidewalks will be constructed along the frontage of Lafferty Lane and then there is an internal sidewalk network along the front of the buildings to bring you from the parking lot to those spaces. Planning Staff has also commented to make sure there is a sidewalk linkage from the Building A area to get to Buildings B and C. Additionally, they are providing upright curbing and stormwater management is being handled with the expansion of a facility there on the east side of the property.

Moving on to the tree planting and landscaping aspects of this project, part of this site actually included a wooded area. Our Code has a maximum of clearing 50% of the woodland. In combination, the green and red areas on the screen show the existing woodland on this property prior to proposals for development. The red is what will be cleared as part of the proposed project. They are retaining more than 50% of the existing woodland on the property with the project. Additionally, there are tree planting requirements. For their development area, they are required to have one tree per 3,000 SF of that development area. Basically for this project site, a total of 234 trees are required. For Phase 1, their plan showed planting of about 27 trees. They are proposing planting of 33 trees, so that is a total of 60 trees onsite. If you are doing your math, that means there is a deficiency of 174 trees. With this request, they are making a request for a Tree Mitigation Plan and have asked to work with the City of Dover to identify locations on City owned property for the planting of those remaining trees. Planning Staff notes that the Planning Office, along with the City Manager's Office and the Department of Parks and Recreation have been working towards creating a location planting list. We have been evaluating opportunities within City Parks, and select street tree plantings that may need replacement; so, we are working with that. Ultimately, the applicant will have to enter into an agreement with the City of Dover to make that happen. The applicant would be responsible for the cost of doing those tree plantings and caring for them for a period of at least one year. Tonight, Planning Commission needs to take action on that Tree Mitigation Plan and whether that is amenable to this project. The *Zoning Ordinance* gives you the ability to consider Tree Mitigation Plans. The project also has some other landscape related requirements. There is a small area that is adjacent to a residential property. It is primarily in Phase 1, but there is an opaque barrier requirement of a fence and landscaping. It looks like some of that landscaping is to be existing vegetation to remain. So we are asking for some clarification on that. There are several wetland areas on the property that they are not impacting; however, they are looking to reduce the riparian buffer to a distance of 30 feet from that wetland area and will need to be establishing and maintaining vegetation in that buffer area.

The last item associated with the application is a Performance Standards Review. With certain activities within our industrial zones, there are a series of objectionable elements that the project

must prove that they are not creating. As part of their narrative statement, they made some statements about the construction process but any of the tenants that may end up at this site also need to abide by these Performance Standards as well. Those objectionable elements are things like noise, smoke, fire, explosive hazards, glare, and other airborne particles. A lot of the times, some of those things are actually controlled by other permitting processes. So depending on if there is a manufacturer, some of that may be controlled by DNREC permitting additionally. The Development Advisory Committee Report includes the Staff comments from the Planning Office as well as the comments from the other regulatory agencies that are entered here into the record by reference. The Planning Staff notes that tonight, you are considering two items in addition to the Site Plan. One is the Tree Mitigation Plan and then the Performance Standards Review Application. The other agencies providing comments include the Department of Water/Wastewater and Public Works and the Fire Marshal's Office for the City. In this case, DelDOT reviewed the entrance to the neighboring property that serves this one previously so that approval is already in place. Also, the Kent Conservation District, a lot of their stormwater management design was part of Phase 1 but there are some clarifying things that they have asked for with Phase 2. The Dover/Kent County MPO as provided some comments as has the Dover Air Force Base given the proximity to the Air Base and the location of the AEOZ (Airport Environs Overlay Zone). The comments from the Air Force Base did reference a number of documents and we have only included executive summaries of those in your packet. We do have the full documents and they were provided to the applicants previously.

Mr. Davis stated that he and his partner Mr. Travis Martin are building this park. What you will notice is that we have completed in the first approvals all of the site work for the project. In Phase 1, we built the stormwater pond which is done and we just finished the foundations for the first building. That building is already a third leased. We have a HVAC manufacturer that's a national company moving into Delaware. They will take 15,000 SF and we have several other users that we are in conversations with. What we are looking to do in Phase 2, starting with the smaller 40,000 SF building. The goal is not to have any crazy, different uses. Mr. Martin actually built the Frankford Industrial Park if you see that along Route 113; so it's the same general concept here. Please note that when it comes to the trees, he wants to get some clarity as to how we got to this point. They are not cutting down more trees than the 50% allotment. He just wanted to clarify that they are not looking to cut down any extra trees; they are actually cutting down less than is necessary. Where the tree conversation came for the off-site tree mitigation was actually a suggestion from the City to him with the idea that when they started this, they thought that they were going to need to cut down additional acreage, so that was suggested. We are now at the point where we have a wide open field and when we are going back to plant these trees, we have more concrete and sidewalks and other things that are taking up spaces than we had originally anticipated. So our goal is to plant about 160 trees off-site. Based on his calculations, it is about 1/3 of an acre of trees that will be planted in a local park. Please know that this wasn't something that they came up with in an attempt to deforest the property. You will see that it is going to have pretty good tree coverage. Mrs. Melson-Williams did mention the neighbors. They actually were at the first hearing and were a vote of support. We have also gotten them to agree that we are going to have a nice, beautiful fence put up and then on the other side of that, there will be additional trees. He feels pretty confident saying that they won't be able to see much of our building if any because that is important. They want to be a good neighbor with a residential unit on one side. As far as going through the process with Mrs.

Melson-Williams, she is amazingly detailed and has been incredible at walking us through everything. Everything as it relates to DelDOT is already done, so the approval was already designed. The stormwater pond is already built for these additional buildings with all of the calculations in mind. We are already bringing in the water and sewer and the sprinkler is tied into that. So all of our utilities are actually already being brought to the site and were designed in Phase 1 with Phase 2 in mind. We are coming to the Commission tonight in hopes of having a continuation of what we started and the real goal of the project is to bring as many jobs as possible to Dover. He thinks they are so far so good. They do know that they can't say who, but they actually already have a person that they have been in discussions with for the Phase 2 building that is definitely not a Dover business or a business form anywhere around here. It would be dozens and dozens of jobs. They would actually like to take the entire second building which is what brought us here. This week, we poured our concrete pad for the first building and they will have steel frames up starting this week. Within about a month, you will see a steel structure.

Mrs. Maucher stated that she doesn't know if she read it explicitly or if she read between the lines, that there is some concern about the number of trees that they want to plant off-site. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that in just doing the math if you look at it, there is a substantial number of trees that are having to be planted elsewhere which is somewhat unusual when it comes to the Tree Mitigation Plan. A lot of times they may see it as a quarter or less, but in this case it is the reverse. There is certainly opportunities to plan trees on City owned land but if we had every project ask to do that, then we would not have space to do so. It is somewhat of a balancing act. Their plan is different from what we saw originally. The concept originally has changed because the original concept that we saw was likely going to lead into woodland mitigation which is a whole other different tree planting need. If you clear more than 50% of the woodland on the property, then you have to recreate woodland actually at a greater rate than what you took down. They have made some attempts that way to get their woodland clearing under control. She thinks a big thing that way was changes in their stormwater approach for their project, but we are still seeing with this Plan, a fairly large number of trees that would have to be planted off-site. A lot of that is because the site itself is taken up by buildings and their associated parking areas.

Mrs. Maucher asked for the Tree Mitigation Plan, do the trees have to be planted on City properties? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the Tree Mitigation requirements in our Code say they have to be planted within the City of Dover. This applicant has chosen to work directly with the City itself. We have had other projects that have had a Tree Mitigation Plan that have worked with the State or worked with another property owner that may have open land to do those plantings on. So, we have seen both and we have seen others work with the City. She will tell you that this is not the largest ask of the City for a Tree Mitigation Plan. We did have a project that was over 300 trees.

Mrs. Maucher asked if that Plan was approved. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that was out at the Garrison Energy Center when the energy center project came through. That project was a little unique in that some of their land, they could not be planting trees because of the adjacent solar field.

Mr. Witham stated that he assumes that there is going to be a substantial number of trees that need to be planted. Does this require a separate agreement or is this part of the approval process? Responding to Mr. Witham, Mrs. Melson-Williams stated that the Tree Mitigation Plan kind of has two steps. One is that the Planning Commission would have to authorize them to make use of a Tree Mitigation Plan to help meet their tree planting requirement. Secondly, there will need to be an agreement reached with the City directly about the planting of those trees. That is where the City Manager's Office and the Department of Parks and Recreation are involved because of one, it would be the City Manager's Office ultimately being a party to that agreement as to where and how the planting happens and the transfer of ownership from those trees being planted to into the City's care. We have previous examples of agreements. It is not something that the Planning Commission will need to be involved in the details of that tree planting agreement, but it will be something that Planning Staff will stay in the loop with, with the City Manager's Office.

Mr. Witham stated that he takes it that we have no any adverse response from the Air Force at this point. Responding to Mr. Witham, Mrs. Melson-Williams stated that the Air Force Base did not really have an adverse response. They wanted to make sure that the applicant recognized that they are in our AEOZ (Airport Environs Overlay Zone) and that it has land use limitations. There is also a height limitation in this zone at sixty (60) feet. We are certainly under that with the buildings that are proposed here. The other information from the Air Force Base that was received via their Community Planner is related to that AEOZ (Airport Environs Overlay Zone) and the fact that they have some guidance about how to mitigate wildlife hazards. It is encouraging that the stormwater pond that is proposed is not a wet pond. It is basically infiltration so water is only there for a limited time before it soaks in. Standing water tends to attract birds and birds and planes don't mix. The other documents included a Compatible Use Plan which is kind of a Comprehensive Plan for activities surrounding the Base and best practices and approaches. A lot of their information is guidance to the applicant/developer related to this project being in close proximity to the Air Force Base.

Mr. Witham stated that he assumes that the applicant agrees with everything that Staff has described about the property and the additional information that may be necessary in the future. Responding to Mr. Witham, Mr. Davis stated absolutely and they are willing to adhere to everything. He does know as far as the tree plantings, as Mrs. Melson-Williams stated, they are in a unique scenario where they bought a property that was mostly woods. To give you a perspective, this is 22 acres. It is a pretty large site and a lot of the tree planting is new trees being planted in a field. The actual concept was not mine; it was the City who presented him the idea and said there are examples in the past in which this has been approved and then they went forward with their Phase 1. As Mrs. Melson-Williams explained, it's not an easy process but we are talking about a 1/3 of an acre to be added to a park. He just wanted to give a perspective; 160 trees is a lot of trees except for when compared to a park. He thinks they would be doing a decent public service. Please know that they didn't come in here with this plan; they were presented the idea. This idea works really well because they are trying to maximize the footprint and unfortunately on our site, there was the stormwater from the Frito Lay facility, so they started at a detriment. It is our problem to deal with but that added to our complications for our calculations. He thinks Mrs. Melson-Williams has been really helpful in making sure that they knew all of the details in the process. We plan on not asking for any exceptions to the tenants

that we are going to have. In everything that we are doing, he believes has gone pretty smoothly with the planning process. They asked us to add sidewalks and a few things. We have dealt directly with the Base for our marketing and things like that for flying drones and things. We have already had to be in contact and fill out permits and all of that good stuff; and they will make sure that they continue to do so.

Mr. Witham opened a public hearing.

Mr. Zach Prebula – Kent Economic Partnership, 555 Bay Road Dover, DE 19901

Mr. Prebula stated that they are the economic development organization for Kent County, so they deal with business attraction, business retention, and expansion here in within Kent County. Speed to market has been crucial to attracting businesses and creating jobs. By approving this Plan, you can help create a building that will help attract those businesses and create those jobs right here in Dover.

Mr. Witham closed the public hearing.

Mrs. Denney moved to approve S-25-10 Dover Industrial Phase 2: Warehouses at 350 Lafferty Lane to include approval of the Tree Mitigation Plan. She thinks that it goes without saying that from testimony this evening all the ducks are in a row. Everything has been discussed and a plan has come forth with an agreement between the City Planners and the developers which sounds good to her. The motion was seconded by Mrs. Welsh.

Mrs. Melson-Williams asked the motion maker to clarify with a reference to the Development Advisory Committee Report and then also with the status of the Performance Standards Review Application.

Mrs. Denney stated that it is a welcomed amendment to the motion (to reference the Development Advisory Committee Report and approval of the Performance Standards Review Application), seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote with Mr. Roach and Dr. Jones absent. Mrs. Denney voting yes; she thinks the continuation of this Plan is an excellent idea. Everything looks so good so far and it's an excellent use for this particular property. Mrs. Maucher voting yes; based on DAC comments and recommendations. Mr. Baldwin voting yes. Mr. Reaves voting yes; for reasons previously stated. Mrs. Welsh voting yes; in conjunction with Mrs. Denney's comments and she too thinks it's a great use of the site. Mr. Lewis voting yes. Mr. Witham voting yes; thanks to the comments previously submitted and he thinks it's a welcomed use for this particular piece of property. He assumes this is completes the phasing of the project as well, so he thinks it is an excellent use of the property.

NEW BUSINESS

Annual Meeting of the Planning Commission (Nomination and Election of Officers and Appointments to Subcommittees)

Mrs. Melson-Williams stated that July is considered the Annual Meeting of the Planning Commission. At such meeting, per your By-laws you are to elect from your membership, a Chair

and Vice-Chair for the Commission to serve for the next year. Your By-laws have a couple of things that she wants to note. Any of the balloting is to be by secret ballot which they are prepared to do unless you adopt a motion to do otherwise. The Chair and Vice-Chair are term limited to four (4) consecutive one-year terms. Mr. Witham has only served you for a year so he is not term limited at the moment.

Mr. Witham asked if they need to consider whether the members want to do a ballot vote. Responding to Mr. Witham, Mrs. Melson-Williams stated that you may want to start with that if you feel comfortable dispensing with the method of voting by secret ballot. Someone can put forth a motion to dispense that and vote by voice vote.

Mrs. Maucher moved to vote by voice vote in lieu of the secret ballot vote, seconded by Mrs. Denney and the motion was carried by voice vote (7-0) with Mr. Roach and Dr. Jones absent.

Mrs. Maucher moved to nominate Mr. Witham for the position of Chair, seconded by Mrs. Denney.

Mr. Witham accepted the nomination.

Mrs. Denney moved to close the nominations for the position of Chair, seconded by Mrs. Welsh.

Mrs. Melson-Williams stated that since Mr. Witham is the only candidate, we can confirm with that motion that you are appointed the Chair.

Mrs. Maucher moved to nominate Mrs. Denney for the position of Vice-Chair; she has done an outstanding job and should carry on, seconded by Mrs. Welsh, then all in favor by voice vote (7-0) with Mr. Roach and Dr. Jones absent.

Mrs. Denney accepted the nomination.

Mrs. Welsh moved to close the nominations for the position of Vice-Chair, seconded by Mrs. Maucher, approved by all in favor by voice vote with Mr. Roach and Dr. Jones absent.

Mrs. Melson-Williams stated that as part of your Annual Meeting, the *Zoning Ordinance* includes provisions related to the appointment of an Architectural Review Oversight Subcommittee of the Planning Commission. This is a Committee that is seated in the case of if there are significant concerns with the architecture of a project, then a project could be referred to that Subcommittee to kind of sort things out and bring it back to the Planning Commission. The *Zoning Ordinance* very particularly notes the makeup of that Committee. It includes the Mayor or the Mayor's designee, two Planning Commission members and then two members of the design profession as well as the opportunity to list alternative design professionals. At this point in time, you may want to figure out which Planning Commission members to serve on that Subcommittee and then we will talk about the design professionals.

Mr. Witham stated that previously, the Commission members were Mrs. Welsh and Mr. Roach.

Mrs. Maucher moved to approve that Mrs. Welsh and Mr. Roach continue on the Subcommittee as she presumes that there is no time limit for those positions, seconded by Mr. Lewis and the motion was carried by voice vote with Mr. Roach and Dr. Jones absent.

Mrs. Melson-Williams stated that the other component is for two members that are design professionals. In the past, we have had Dr. RJ Chandler who has served as a faculty member at Delaware Technical and Community College in their architecture program and then Ms. Sarah Keifer who is the Director of Planning Services for Kent County. In the past, if you are willing to have those individuals continue, what Planning Staff can do is reach out to them to confirm their ability to serve in those roles. You can certainly put forth other names if you have other individuals that you think would be appropriate in that case as well.

Mr. Witham stated that he is not sure of in the past if we have actually had to utilize their expert services or not. Responding to Mr. Witham, Mrs. Melson-Williams stated that in the time that she has been here, there has been one project referred to the Architectural Review Oversight Subcommittee and prior to her start with the City, there was one other project. The Subcommittee has not had to meet extensively but we do need to put individuals in place should that need arise.

Mrs. Maucher moved to approve Staff to contact the two existing design professionals to determine if they enjoy continuing on the Subcommittee, seconded by Mrs. Welsh and the motion was carried by voice vote with Mr. Roach and Dr. Jones absent.

Mr. Witham asked if they would need to have another meeting to vote on them if they are willing to continue to serve on the Subcommittee. Responding to Mr. Witham, Mrs. Melson-Williams stated that they would just bring back that reporting at your next meeting. We would not call a special meeting just to get them in place.

Meeting adjourned at 8:03 PM.

Sincerely,

**Kristen Mullaney
Secretary**