

CITY OF DOVER PLANNING COMMISSION
August 17, 2026

The Meeting of the City of Dover Planning Commission was held on Monday, August 17, 2026, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Vice-Chairwoman Mrs. Denney presiding. Members present were Mr. Lewis, Mrs. Maucher, Dr. Jones, Mrs. Welsh, Mr. Reaves (virtual) and Mrs. Denney. Mr. Roach and Mr. Baldwin were absent.

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

APPROVAL OF AGENDA

THIS AGENDA HAS BEEN REVISED BY ADDING ITEM #2 – REQUEST FOR EXTENSION - for S-24-11 Warehouse Building at 601 Garrison Oak Drive (Lot 3 - Garrison Oak Business and Technology Center) under OLD BUSINESS – Requests for Extension of Planning Commission Approval (with subsequent agenda items renumbered).

Mrs. Maucher moved to approve the Revised Agenda as presented, seconded by Mr. Lewis and the motion was carried 6-0 by voice vote with Mr. Roach and Mr. Baldwin absent.

APPROVAL OF MEETING MINUTES OF JULY 20, 2026

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes from July 20, 2026, seconded by Mrs. Maucher and the motion was carried 6-0 by voice vote with Mr. Roach and Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mrs. Denney stated that the next Planning Commission regular meeting is scheduled for Monday, September 21, 2026 at 7PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on July 27 & 28, 2026 and August 10 & 11, 2026.

Mrs. Melson-Williams stated that at the August 10th Council Meeting, Mrs. Donna Lee Williams was appointed to fill the seat vacated by Mr. Witham. She will fill the unexpired term through June 2027. She has joined us this evening online to just observe what happens with the Planning Commission meeting and we will be doing a full onboarding meeting with her as Planning Staff.

Mrs. Melson-Williams stated that they have hired an additional Planner, Mr. Chris Salzano. You may remember him as he was previously with our office. He is a re-hire into the Planner II position; so, you will be seeing him at your upcoming meetings as projects are assigned.

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:**

S-24-11 Warehouse Building at 601 Garrison Oak Drive: Extension Request – Request for One Year Extension of the Planning Commission Approval granted on August 19, 2024 for Site Development Plan for a 100,000+/- SF Warehouse Building with associated site improvements. The site is located at Lot 3 of the Garrison Oak Business & Technology Park. The property is zoned IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center) and subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 2 – Primary Wellhead Protection Area). The property of 12.813 acres is located on the west side of Garrison Oak Drive on the inside of the loop. The owner of record is Garrison Oaks LLC. Property Address: 601 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-03.00-000. Council District 3. Approved Waiver Requests: Partial Elimination in Upright Curbing and Reduction of Parking Requirement. Approved: Performance Standards Review Application. The Final Site Plan Approval was granted April 28, 2026.

Representative: None

Mrs. Melson-Williams stated that Planning Staff did provide to the Planning Commission members, their Letter of Request that was filed once we discovered that it was coming up on expiration at the end of this month. That is the Site Plan S-24-11 proposal for a warehouse building at 601 Garrison Oak Drive which is Lot 3 of the Garrison Oak Business & Technology Park. The Site Plan does have Final Site Plan Approval. That was actually granted, meaning that they have gotten all of their agency approvals in hand back on April 28, 2026. They have just not moved forward to the permitting process or commenced construction. In order to keep a project alive, you have to continue to make progress on the request.

Mrs. Maucher asked if there was a time period in which they must begin pulling permits and is it as long as they begin before the one year extension deadline is up, that is fine? Or is there an expectation that they pull before that? Responding to Mrs. Maucher, Mr. Melson-Williams stated that the *Zoning Ordinance* established an initial approval timeframe of two years from your initial action. The Code allows for an additional one-year extension upon request. So if they are successful with this Request, they would have until August 31, 2027 to move into that permitting process, pull a permit, and commence construction. If they do not pull a permit and commence construction activity, then they will have to restart the application review process.

Mrs. Maucher asked if the activity has to begin by August 31, 2027 or do they just have to pull the permit? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that have to pull permits and be in active construction. The specific language in the Code is “commence activity”.

Mrs. Welsh moved to approve S-24-11 Warehouse Building at 601 Garrison Oak Drive: Extension Request for one year, seconded by Dr. Jones and the motion was carried 6-0 by roll call vote with Mr. Roach and Mr. Baldwin absent. Mrs. Welsh voting yes. Mr. Lewis voting yes. Mrs. Maucher voting yes; but she is a little reluctant to as it is one thing if they are held up by

things outside of their force but they have gone so far along and do not have what appears to be tenants for the property. Dr. Jones voting yes. Mr. Reaves voting yes. Mrs. Denney voting yes.

Revisions to Applications:

HI-24-07 Legislative Hall Building Addition at 411 Legislative Avenue: Revision for West Entrance ADA Ramp – Update and Action for a Revised Architectural Review Certificate for the addition of an ADA Ramp located at the West Entrance of Legislative Hall. The proposal includes an approximately 160 feet proposed ramp in length, while also providing access to a new accessible entrance created within the exiting west façade. A temporary ramp may also be proposed for during construction. This is associated with the Site Development Plan for the Legislative Hall Building Addition project. The main property of 2.80 acres+/- is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and the H (Historic District Zone). The subject property is located on the east side of Legislative Avenue as the block between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. South. The owner of record is the State of Delaware. Property Addresses: 411 Legislative Avenue and Court Street. Tax Parcels: ED-05-077.09-05-15.00- 000 and ED-05-077.09-05-14.00-000. Council District 4. This Application HI-24-07 was considered at the Historic District Commission Meeting of October 17, 2024 and granted conditional approval of the Site Plan and Architectural Review Certification by the Planning Commission with Application S-24-19 Legislative Hall Building Addition on November 18, 2024. This Revision for the West Entrance ADA Ramp was considered at the Historic District Commission Meetings of June 18, 2026 and July 16, 2026

Representatives: Mr. Dan Ridgely, Studio JAED

Mrs. Melson-Williams stated that this request is specifically associated with a proposal to add a west entrance ADA ramp to the Legislative Hall Building. This property previously went through review with the Historic District Commission and Planning Commission back in the Fall of 2024 for what is a proposed Legislative Hall Building Addition on the east side of the building. This; however, makes a change to the west side of the building. It was presented to the Historic District Commission back in June and July of this year. The Historic District Commission initially had some design concerns with the opening or the entry door from the ramp system into the Legislative Hall Building and asked the applicant to do some design improvements or to go and take a look at that. They did that and that information was presented to the Historic District Commission at their meeting in July on July 16, 2026. The Historic District Commission is recommending approval of the Revised Architectural Review Certificate associated with this application which is HI-24-07. The information will be added to the overall project. But because of how intertwined it was with what was previously presented to both the Historic District Commission and Planning Commission, we are bringing it back as at least an informational reporting to this Commission.

As you can see in the image in the plan diagram that was presented, the west entrance to Legislative Hall currently has a set of monumental steps that brings you up into the elevated first floor entry. With any potential project affecting the east side of the building, then their ADA accessibility becomes more limited for this building. So, this ramp addition on the west side was

proposed. It is a brick ramp with kind of a metal railing system and it makes entry into the building through what is currently a window. With this design, they are redesigning that window opening into a door opening. The Historic District Commission encouraged keeping basically the general form of that window opening including the keystone that is above and encouraging the use of glass in that door to replicate at least from a distance, that it is very similar to the window and because of the significant amount of symmetry that exists on that side of the building. We have included in the packet, the review portion of the Historic District Commission and what they saw and including the Staff recommendations. The applicant is here this evening and you can hear from him a little bit more about this particular aspect of the project. We bring it to you somewhat like an informational item because this is something that given the form could have just be approved by the Historic District Commission. But because you saw a larger project and ultimately issued that Architectural Review Certification, we felt it best to have the information presented to you as well. There is no public hearing required with this application presentation.

Mr. Ridgely stated that Mrs. Melson-Williams explained very well the intent to add an ADA compliant ramp to the west side of Legislative Hall. Just a little history on how we got here; we have been commissioned to design an Addition to Legislative Hall which takes care of some programming needs that they have. It has been placed on the east side of property. That Addition will be fully ADA compliant and will include multiple elevators on the interior and all of the interior spaces will be ADA compliant. The issue that we have that we are currently trying to address is that during construction, which we estimate to take several years for the Addition, we have to take the current ADA access to the building offline which is on the east side of the building. As you see the Site Plan that is on the screen, you can see the darker somewhat rectangular shaped space on the upper side of the plan that is roughly where the current ADA ramp is going within that Addition footprint. When we start building that Addition, we have to take the ramp offline. Talking to our client, which is the Division of Facilities Management with the State of Delaware, they directed us to propose a permanent ramp on the west side. We came up with one that we took special care to respect the symmetry of the façade and historic detailing of it but are also trying to make it function as it intends and come to a point in the building where it can be addressed by security as well as the other public entrance. So, security has given us approval at this location and we found it constructible. We did our best to maintain the aesthetics and obviously it does take away a little bit from the symmetry of the building. We are doing what we can to maintain by keeping it a window like opening as Mrs. Melson-Williams mentioned. It's large using a lot of glass and white trim to match the opposite window and using architectural details that are appropriate for the high level of detail on the building and with the wrought iron railing systems and the brickwork on the ramp. We would also be using a snow melt system which would provide a safe access. That is our proposal today, to add this west ramp to our overall scope of work so that the building which will remain occupied during construction, can maintain its accessibility and then for the foreseeable future, have multiple accessible points of entry.

Mrs. Maucher stated that she saw in the summary from the Historic District Commission that one of the questions was how close is handicapped parking to this because she knows that we have the parking garage going up. Are you going to have to go all the way from there or is there handicap parking on the streets or on the backside of the west side? Responding to Mrs. Maucher, Mr. Ridgely stated that's a great question. If you look at the screen, you can see on the

right-hand side of the page, that is Martin Luther King Jr Blvd South and on that side we are proposing restriping and reorienting parking spaces to create multiple ADA spots. There will be an accessible route from those spots to the new ramp. We are also adding a ramp on the site. you can see it in the bottom right, a little red area. That is currently brick steps that they are going to convert to a ramp as well. So there will be an accessible route; however, since this plan has been submitted, we took note of the Historic District Commission's recommendation and we asked our civil designer to add some ADA parking on the north side too. We are looking to improve on the plan that you are looking at today.

Mrs. Maucher asked if pulling out the steps further and making more of a platform, was that an option because it is just odd that you are taking a window and making it into a door? Responding to Mrs. Maucher, Mr. Ridgely stated that there is a challenge inside the building. As you walk into that front door there are additional four or five steps. You are in a vestibule and then to get to the main level, there are additional steps. Unfortunately it would a lot more disruptive to modify that main entrance to be accessible.

Mrs. Denney stated that having a passion to preserve history and the aesthetics and having a historic house in Camden, she really appreciates your expertise in trying to preserve and do as much as you can with this Mr. Ridgely.

Mrs. Maucher moved to approve HI-24-07 Legislative Hall Building Addition at 411 Legislative Avenue: Revision for West Entrance ADA Ramp and accept the Historic District Commission's recommendations, seconded by Mr. Lewis and the motion was carried 6-0 by roll call vote with Mr. Roach and Mr. Baldwin absent. Mrs. Maucher voting yes; she thinks they did a fine job accommodating all of the needs of everyone. Dr. Jones voting yes; for reasons stated by Mrs. Maucher. Mr. Reaves voting yes. Mrs. Welsh voting yes; she just wants to comment that in the past she has done historical restorations and she appreciates just what you said about the door and window matching and how difficult that can sometimes be. Mr. Lewis voting yes; good luck with the project. Mrs. Denney voting yes.

NEW APPLICATIONS

US-26-01 Dover Commerce Park Comprehensive Signage Plan – Public Hearing and Review of a Unified Comprehensive Signage Plan for the Dover Commerce Park (previously known as Dover Industrial Park) consisting of a thirty-two (32) square foot, 9 feet-4-inch-tall freestanding sign to identify the campus. The campus is to consists of three multi-tenant flex warehouse buildings (Buildings A, B, C) with parking and site improvements including a shared entrance with an adjacent building at 300 Lafferty Lane. 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. The campus is under development as Phase 2 of this project was granted conditional approval by the Planning Commission with Site Plan S-25-10 Dover Industrial Phase 2: Warehouses in July 2025. Phase 1 of this project was approved as Site Plan S-24-13 Flex Use Facilities Commercial Warehouse in September 2024

and with Final Plan is under construction.

Representative: Mr. Chris Evans, Coastal Commercial Construction

Mrs. Melson-Williams stated that this is a Unified Comprehensive Signage Plan for the property known as the Dover Commerce Park. It went through our review process as the Dover Industrial Park. The property is located at 350 Lafferty Lane. The overall site is just over 9.7 acres of land and originally went through the review process here with the Planning Commission for the development of the site. Ultimately, they are proposing three warehouse type buildings. Building A which was Phase 1 has been constructed and we are working through tenant fit-outs for portions of that building. Phase 2 which will be Buildings B and C on the site, was reviewed as Site Plan S-25-10 Dover Industrial Phase 2 and that is working through its Check Print review process on its Final Plan. Noting that there are three buildings with this project is key because with any campus that has three main buildings such as this, it qualifies for consideration of a Unified Comprehensive Sign Plan. The Site Plan image shows the entire property. What is shown in the pinkish color is Building A or Phase 1 which also included improvements to a stormwater management plan. They are working through the final details to be able to finalize the plan for the Phase 2 which is in blue. With a Comprehensive Sign Plan, it allows the Planning Commission to consider alternatives to our regular sign regulations which are part of the *Zoning Ordinance*. Our sign regulations are based on the type of road and the proximity to residential of that property. With this proposal, they are bringing to us one sign. It is a free standing sign that will be located on the east end of their parking lot near Lafferty Lane. The sign is near the entrance to the property which is actually a shared entrance with its neighbor to the east. What you see on the screen for the Dover Commerce Park is the proposal of this freestanding sign. It generally meets the description of what we deem as a monument sign. It is a little wider than it is tall; however, the Planning Commission is being asked to consider some alternatives to the strict provisions that are established in the City's Sign Regulations. Specifically, those are related to the overall height of the sign and then the number of tenants that receive a tenant space on the sign itself. The strict interpretation of the Sign Regulations would limit this sign to seven feet in height. This current version of the sign that this applicant has brought to us has an overall height of 9 feet 4 inches. It is a little taller than what is typically allowed if we wanted to review it as a Sign Permit review process with Staff. The other item is related to those tenant space panels. The design guidelines for our Sign Regulations would limit that to three tenants. They are asking for the ability to provide space for seven tenants. The Planning Staff is recommending approval of this version of the monument sign for the Dover Commerce Park. We have worked with the applicant and some of their earlier versions of this sign were in a different location and took a very different format. Their Comprehensive Sign Plan for this project just focuses on this one sign. Any additional signage on the campus would be subject to our regular Sign Regulations which prescribe the limitations on things such as wall signs. There is the ability to do some directional signage onsite without a permit, but this is what is before the Commission tonight. The Comprehensive Sign Plan does charge the Planning Commission in reviewing this to take a look at whether the size and complexity of the campus warrants the need for the types of signage under these provisions. Also, it's looking at the number and type of entrances and how the sign is placed near those entrances and then if the signage proposed is adequate to safely direct the public to the uses on the site. You also have to look at the proposed sign to ensure it will not have an adverse impact on the visibility of

neighboring signs and then also if the sign itself is generally of a style and color to compliment the architecture of the site and the area in general. She will note that this utilizes kind of a blue color for the base. That blue color is also found in the exterior wall surfaces of at least Building A at this point. The end tenant spaces have a blue that is utilized where the rest of the wall system is kind of a series of grays.

Mr. Evans stated that they are proposing this monument sign for this business park. He thinks it fits in with the design of at least Building A right now which is 54,000 SF. Potentially, we do have two tenants in right now and we are getting a third tenant to take the remainder of the building. We are proposing a Phase 2 to be a 45,000 SF building and the third building would be proposed to be a 133,000 SF building. That is why we are proposing the seven tenant spaces on this sign. This sign will fit in well with the architecture of at least Building A at this point.

Mrs. Maucher asked if there were other signs along this street. Responding to Mrs. Maucher, Mr. Evans stated that there are. Across the street, there is a smaller business park and they used to have just a plywood sign on 2x4 posts and now they did recently install a new sign with multiple tenants on their sign as well.

Mrs. Denney opened a public hearing.

Ms. Jo Del Rome (virtual) – unknown

Ms. Del Rome stated that as long as they are staying on their property, she doesn't have any questions. She was just curious if they had planned on trying to expand outside of their property. Responding to Ms. Del Rome, Mr. Evans stated that the proposed sign is on our property.

Note: It is noted that Zach Prebula of the Kent Economic Partnership (KEP) was online observing the consideration of the application. He did not wish to speak.

Mrs. Denney closed the public hearing.

Mr. Lewis moved to approve US-26-01 Dover Commerce Park Comprehensive Signage Plan for the Unified Comprehensive Signage Plan, seconded by Mrs. Welsh and the motion was carried 6-0 with Mr. Roach and Mr. Baldwin absent. Mr. Lewis voting yes; and hopefully they will have tenants to fill the whole sign very soon. Mrs. Maucher voting yes; and that will be inclusive of the additional height and the allowance for up to seven tenants on the sign. It is in character with the surrounding area and not in conflict with other signage. Dr. Jones voting yes. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mrs. Denney voting yes.

NEW BUSINESS

MI-26-10 Active Recreation Provisions Update – Presentation and Discussion of Potential Changes to Active Recreation Requirements for Residential Development

Mrs. Melson-Williams stated that this presentation this evening is going to be given by Mr. Tom West who is with the Rossi Group. They have been doing some research. If you remember us talking about the SJR8 (Senate Joint Resolution #8) which is a housing and land use reform

effort. One of the things that they have flagged is related to our Active Recreation requirements. As noted earlier in this meeting, one of the Council Subcommittees heard this presentation last week and they felt it appropriate to bring to the Commission this evening.

Mr. West stated that he is a Certified Community Planner with the Rossi Group and one of the team members working on the project which is Land Use and Zoning Reform Project. One of the things that she described is that we are basically looking at zoning and subdivision provisions and processes for each of the jurisdictions that we work with the things that raise flags are things to be discussed. Tonight he is here to talk about specifically the open space recreation and public facilities provisions that are in place in your *Zoning Ordinance* in Section 10. The next slide shows points on the project itself. It is a voluntary pilot program. Starting with Dover, we are looking at the regulatory analysis and we are looking at active recreation requirements. Part of it is to look at some of the examples that have happened recently that created confusion or delay. Most notably are the Cecil Street Townhome project and the Nixon Lane Minor Subdivision which he thinks came up in the same meeting. There was discussion about some of the provisions but they will look at some details about how the Code affected those and other ones too.

The next slide shows some Code language. For recreation area in the City, a development needs to provide 275 SF per dwelling unit or one-half acre. That is pretty straight forward; that's an area size that if developments are coming in, they need to provide open space. It gives all of the details about why open space and recreation are important. With that requirement, there are some exceptions and this is one of the things that we are looking at. The first two which are different provisions in the Ordinance and have different requirements or in this case, different exceptions. That is part of the things that we are looking at to fix. Is there context or things that can be clearer? These are basically exemptions from meeting that requirement for recreation area or a fee that we will talk about.

The next slide talks about a cash-in-lieu. There are exceptions to providing recreation area but you are supposed to provide a fee. There needs to be a determination of how to get to the fee. In Dover's case, it is based on an appraisal value of the land that is under consideration and that is part of the plan that was submitted to you. So to get the fee, an appraisal needs to be done for the value of that land if it is to be developed. They are not giving the recreation area; they are providing money instead based on some of the exceptions. He will talk about the cash-in-lieu but again, the main take away from this is you need an appraisal which costs money, it takes time, and sometimes applicants aren't as familiar with it especially for smaller projects. That is where some of these more complex provisions come into play.

The next slide is also another section of the Ordinance that talks about cash-in-lieu for exceptions. This is when it is very small development and in this case, less than 5 acres. They are not providing their land but they are providing a fee. Again, you need an appraisal for it and it is based on the gross land area. The applicant needs to provide that up front as part of the appraisal for the construction financing money. They are doing for the appraisals for other things. We talked about land and we talked about determining a fee.

If we go to the next slide, this is just talking about in general about some of the challenges with

the process in the way it's currently set up. There are too many carve outs and exceptions and sometimes they are not always the same. It's a confusing process going through the Ordinance and for applicants to look at it and he imagines for the Planning Commission too. When you are looking at a plan, it's what is being required and what the Ordinance is saying in different provisions. The second one is the cash-in-lieu. Again, he mentioned that you need an appraisal for it. Sometimes it happens where smaller projects are coming in and they do not owe an appraisal. It's kind of a surprise to them at times that they need to do this. Then they are trying to secure construction financing and all of sudden they have a problem to move forward with it. None of these are really troubling for bigger developments or applicants who have been through the process before. He thinks the case where we are seeing the processes create bumps or challenges is on smaller projects. He is moving on from this foundation that he has labeled; you need area or the cash-in-lieu of open space and recreation. We are suggesting this as part of this process to promote affordable housing and looking at your Code to see if there are ways to clear up provisions. Open space is very important and it's needed but can it be clarified so especially smaller projects don't get caught up in some of the complexities of it.

The next slide is showing a new approach where there are different tiers. Our analysis and discussions with City Staff is that it is really not impacting larger developments like Bay Village or ones like it; it is smaller developments where it becomes confusing or causes delays because when people are going through it, they are just not as aware of it and it causes problems as the process unfolds. There are also at the bottom, minor subdivisions. We are recommending that certain ones be exempt like minor lot line changes and minor subdivisions. The third one down under is for projects under those thresholds, meaning other than major subdivisions, conditional use applications, and site plans, a flat fee could be established off of an appraised fee. Instead of cash-in-lieu of with an appraisal, we have looked at other flat fees in the area. These are some examples in nearby communities. Harrington, Smyrna, New Castle County, and Delaware City. We look at those and say these are not impact fees but instead of a cash-in-lieu of from an appraisal, let's just set a flat fee. It becomes much clearer in your Ordinance and then to applicants that are going through the process if they are just dealing with that dollar value upfront.

The next slide is showing some comparisons of how the areas are broken down. So in Newark and Smyrna, you can see how much is required for recreation area. Right now, Dover is requiring 275 SF or half an acre. We are looking at some of the land dedication examples in other communities such as this tiered one in Newark or 15% in Smyrna. The next slide is showing instead of other communities, some recent developments and how much they have dedicated to the recreation area going forward. Bay Village is at the top and the two ones that are lower are more in the City proper, if you will. You see there the different unit sizes and how much site area there is and then how much of the recreation area was provided as part of the approved plans moving forward for these developments. Thankfully, we looked at that as we were comparing how to approach the overall process and if we can streamline it.

The next slide is kind of a wrap up. This is the information that we have looked at for just this one section of the Code for open space and recreation. We think open space and recreation is very important. The summary of it is that the provisions work well for larger developments but we think that there are smaller infill developments coming in where it might be too much for

them. There are definitely some things that might be conflicts in the Ordinance to look at cleaning up. We are looking for if there is support for that general framework. The top two tiers would stay pretty much the same and the bottom one we would be exempting very small developments from the requirements as a suggestions, and the middle one is to just change the fee-in-lieu of calculations instead of an appraised fee to a flat fee. We are looking for your thoughts on that general framework. Should Minor Subdivisions be exempt or subject to a flat fee? Right now, they are subject to a flat fee and is there a general sense of what the area requirements should be based on a gross land area density.

Mr. Lewis stated that he was on the City Council Subcommittee panel that heard this last week and just in general the City Council seems sympathetic to the revision proposals. To him, it seems like common sense to make some revisions and it did to them as well. He thinks that particularly of our friend with the Cecil Street townhouses who has been here multiple times and to that other panel multiple times going back and forth on what his cash-in-lieu would be. Ideally, we would be encouraging more people like that and he could see where that could get in the way of somebody wanting to do that to be forced to come back multiple times for something like this. He is in favor of the revisions.

Mrs. Maucher stated that currently does that go to the General Fund or is there a dedicated Capital Park Improvement fund? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the question is about when that cash-in-lieu payment occurs, where does it go? It is very specifically in our Code that it must be designated for a Parks and Recreation Fund. So, it goes to into a fund that can be utilized for park and recreation improvements citywide. So, it is a specific pot of money.

Mrs. Maucher further asked if it was specifically for capital improvements. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that she is not sure if it is specifically listed for only capital improvements. She thinks that is what it has trended to be used for. She is not sure if it can be utilized for any kind of programming efforts as well. In the past, she knows they have used it to replace playground equipment and things of that nature. But that is certainly something that could be clarified moving forward.

Mrs. Maucher stated that on the different tiers, she is more sympathetic to duplexes and townhomes that don't have yards necessarily available, but why were single family detached homes thrown into that grouping? Also, was any consideration given to the proximity of the project to other recreation areas? Responding to Mrs. Maucher, Mr. West stated that the grouping, from his understanding, is the way that it's setup now. Anything with at least 23 lots, it doesn't matter what kind of housing it is, is subject to that tier. He is not aware of if there is any consideration of proximity to existing parks or other things that would affect that impact from those types of developments. But it is basically broken down by lots and multi-family at the top.

Dr. Jones stated that it may not have direct relationship to the considerations to the revisions, but she thinks that they are generally good. She does have a question about the administration of the fees. At what point in time currently or with the proposal, is the assessment for in-lieu of paid? Is it paid up front or is it at the completion? Responding to Dr. Jones, Mrs. Melson-Williams stated that if a project currently goes through the process and the cash-in-lieu is accepted instead of

building recreation area as part of the project, the administration involves the submission of the appraisal from the applicant. Staff then does the calculation and that calculation is reported both to the Planning Commission and to the Parks and Recreation Committee as part of the review of the plan for active recreation. That fee does not come due until you are ready for your first Building Permit. It must be paid prior to us issuing the first Building Permit for that development.

Dr. Jones stated that she has mentioned this; she lives in a development where the developers have changed two or three times and she thinks there were some wrinkles in the active recreation area. So that is why she is asking. If a developer, for whatever reason, goes bankrupt and somebody else comes in; she knows some things have happened in her development that may have finally come to fruition. Responding to Dr. Jones, Mrs. Melson-Williams stated that with that particular development, there was the original plan for what active recreation was going to be for that larger subdivision. The plan for the subdivision changed and it became about half the number of units it was initially planned for and at that time, there was also a proposed revision to the active recreation area. She is not sure which developer is what, but the plan was revised. She thinks that neighborhood initially had a plan for a clubhouse and different things that way. When the number of units changed, then the active recreation required area went down and they proposed alternatives for active recreation. Basically, she thinks they kept some very small open space parcels but the main amenity in the case of that neighborhood, was to ensure that there was the walkability to what is one of our major parks, Schutte Park. It was to ensure that there were the sidewalk connections to get from this neighborhood to that existing large City parkland. Proximity to something actually helped that project because it was accepted as meeting part of the active recreation requirements for that property. Right now, with a project depending on the type of project between what the actual requirements are and those exemptions that we have, you end up with a land area number that is required for active recreation and then how the developer chooses to meet that is reviewed as part of the process. Whether it is building amenities as part of the development or if they aren't going to propose building amenities, then it is that cash-in-lieu scenario which results in a donation to the Parkland Fund based on the appraisal and the calculation process that we must do.

Dr. Jones stated that she thinks there were three developers there. As we move along with this process, like she said, she thinks the revisions are great but she thinks that there should be some consideration about when that fee actually comes in, when the assessment is actually levied to the developer.

Mr. Reaves asked with that in regards to the fee in the fund, who is the approval authority for dispersing those in-lieu-of fees? Responding to Mr. Reaves, Mrs. Melson-Williams stated that she believes that would reside with kind of a combination of the Department of Parks and Recreation for the City. If it is a capital project, it is probably outlined as part of the City's budget process. If it is for a certain amount in the City's Capital Improvements Plan, which is part of our budget process, that is certainly something that we can learn more about. It is not a responsibility of the Planning Commission to approve dispersements from that fund or for the Planning Office to approve dispersements from that fund.

Mrs. Denney stated that many years ago, she managed the Town of Camden. She was a

Councilwoman and eventually she became the Town Administrator. There came a time where a very gracious senior citizen who knew that she would not be with us anymore, left her land to the Town of Camden. Initially, there was a little bit back and forth on if it was going to Town of Camden or Kent County. Ultimately, it was left. At this point, she held no office there but she has been very close to her, and we were represented by a lawyer because that was the first thing that she thought needed to happen. To cut to the chase, there was a “what do we do with this” and ultimately everyone knows that it ended up being Piccadilly Castle. We really had very little funds; almost no funds. At that point, \$10,000 was a small amount but we had some monetary help. The City of Dover felt like they should be contributing to the Camden park; there were a lot of politics involved, but ultimately they ended up deciding that the community in and of itself will build it. They went to electric companies and water companies and eventually through the graciousness of smaller monetary contributions as well as a lot of blood, sweat, and tears we ended up building a little city there. They had people who were providing food, cooking food, businesses who would donate the food and we would feed the people. We were operating 24/7 and they had well drillers and electricians who were donating time and energy and telephone poles. It was a wonderful project but anytime something like this comes up where we are saying in-lieu-of recreation that is a giant example. But to her when we do that and we take money instead, she feels like we are taking away what could be a couple of park benches or a little bit of a dog park because that wasn’t as popular back then. When you are over there now, there are so many people walking dogs there so there should be dog parks and things. She always in her mind have trouble with this “in-lieu-of” because she thinks it should be something that the people who live in the houses of that particular development or apartment complex should be able to appreciate. It shouldn’t go to some type of general fund. The other question she has is what happens if a family comes in and a great grandfather left a 600-acre family farm to 18 grandkids and they want to make it into individual lots. If you have all of these fees from breaking up these lots, how does that get divided? Ultimately, they just inherited the land and they probably could just leave it but if they are going to build houses, what happens? How does that work out with the in-lieu-of aspect? Responding to Mrs. Denney, Mrs. Melson-Williams stated that she doesn’t know if they are going to be able to answer any of those questions. This is meant to be a discussion, thoughts, concerns on things that the Planning Commission members have seen when dealing with this requirement for active recreation. This is purposeful to bring initial concepts. It is not in ordinance form yet. That is to come and that will have to move through review with this body and City Council before it is adopted or make any changes to what our Code exists today for active recreation.

Mr. West stated that he really appreciates the discussion and the direction. This was one that rose to the top which is why we wanted to go to Council and the Planning Commission, because you have experiences with these provisions and how it plays out and how the in-lieu-of fee is impacted. They will be taking your direction. They are working on a lot of other parts of recommendations or suggestions to consider. You will be hearing more on that. There will be a document that comes out soon that talks about many of the other ones that they are looking at. There should be a workshop coming up just to get the public input on it. We are still gathering our facts but will come back to you eventually with whatever we do move forward with and they will develop suggested Code amendments. We will definitely be back before the Planning Commission and Council. He looks forward to working with the team to help you out with the project and working with you in the weeks and months to come with it.

Mrs. Maucher stated that she is in support of the flat fee. She thinks it is a cleaner and easier way to handle that. She thinks it should be high enough to be meaningful but not so high to add additional burden to what we trying to do which is to create affordable housing. She thinks it should also be scalable to some extent so that it is not set in Code and you have to amend Code to be able to change that dollar amount. If there was some way that it could be placed in a review every five years or something like that.

Mrs. Denney stated that she agrees with Mrs. Maucher.

Mr. West stated that he has seen similar provisions like that that are scalable. Since it is in the Code, it would be harder to update all of the time but you should have some timeframe or some criteria that there are updates to it.

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

Mrs. Melson-Williams stated that your By-Laws indicate that July is the Annual Meeting of the Planning Commission. That is the time where you have received information on any reappointments, new appointments, and the like. We pushed that off because in July we had not heard that to date. Since that time, you have had one of the positions; Madam Vice Chair's term was renewed. She was reappointed for a three year term. There are two other members of the Commission that their term is up this time of year. She would imagine that the Mayor's Office is working through that process, if you seek to continue or not. With the resignation of your previous Chair, Mr. Witham, that seat has now been filled with a new member for the Commission and that is Ms. Donna Lee Williams. At this point, you can certainly move forward with the nominations and elections for Officers for the Planning Commission. There is a Chair and a Vice-Chair per your By-Laws. We did submit to you a copy of your By-Laws so that you have that for reference. There are limitations on how many years someone can serve in the Chair position but we do not have that situation at this point. By the By-Laws, the election process is by ballot unless you suspend that voting process in a separate motion. At this point, if you are interested in moving forward with your election of Officers then she would believe that our Acting Chair would be in acceptance of motions regarding the positions of Chair and Vice-Chair.

Mrs. Denney stated that whatever the Planning Commissioners as a whole would like to do, she is open to either ballots or voice nomination votes.

Mrs. Welsh stated that according to the meeting minutes from the last meeting, we did make a motion to defer voting until the appointments and reappointments have taken place. Responding to Mrs. Welsh, Mrs. Denney stated that she was reappointed and we have a new member that has been appointed. She doesn't know who else is up or if anybody is up.

Mrs. Maucher stated that if there are two additional reappointments that have to occur, there is no guarantee that the person holding the Chair currently would be reappointed. She would move that she thinks they should wait until those final appointments are done and then Ms. Williams would be here instead of just observing. Responding to Mrs. Maucher, Mrs. Melson-Williams

stated that the appointments to the Planning Commission are structured so that three terms expire each year. At this point, of the three that are expiring this summer, one of them has been reappointed and that is Mrs. Denney. There are two other individuals whose terms are up. Per the By-Laws or in Code, she is not sure which, the current appointees continue to serve until superseded by someone else or they are reappointed themselves. Dr. Jones and Mr. Reaves are the two individuals whose terms also expire in 2026 but the full process for formal reappointment has not yet been completed. At this point, the earliest that this could happen would be in September because the Mayor makes the appointment and it is acted upon by City Council. The next City Council meetings are not scheduled until September.

Mrs. Denney stated that perhaps given that, we should just wait until the September meeting.

Mrs. Maucher moved to defer voting on Officers until September when reappointments have taken place, seconded by Mrs. Welsh and the motion was carried 6-0 by voice vote with Mr. Roach and Mr. Baldwin absent.

Mrs. Melson-Williams stated that Planning Staff was asked to pursue the availability of the two design professional members for the Architecture Review Oversight Subcommittee for the Planning Commission. They are waiting to hear information back on that piece of this so they will certainly see if they can have answers on that for the September meeting.

PUBLIC COMMENTS OPPORTUNITY

Mrs. Donna Lee Williams stated that she wanted to thank members of the Planning Commission for deferring this vote this evening so that she will have the opportunity to meet with all of you and participate in this process. She is very much looking forward to meeting with everyone. She has attended a few Planning Commission meetings in the past; however, she has not had the chance to personally speak with all of you. She is really looking forward to this opportunity to work with you and in service our community.

Meeting adjourned at 8:46 PM.

Sincerely,

Kristen Mullaney
Secretary