

**CITY OF DOVER PLANNING COMMISSION
OCTOBER 16, 2023**

The Meeting of the City of Dover Planning Commission was held on Monday, October 16, 2023 at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system WebEx. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Cooper (virtual), Mr. Roach (virtual), Mrs. Denney, Mr. Hartman, Mr. Baldwin, Dr. Jones, Mrs. Welsh (virtual), and Mrs. Maucher. Mrs. Malone has completed her service choosing not to be reappointed. A new Commission member has not been appointed.

Staff members present were Mrs. Dawn Melson-Williams, Ms. Katherine Oehmke, Mr. Jason Lyon (virtual), Mrs. Sharon Duca (virtual) and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Dr. Jones moved to approve the Agenda as submitted, seconded by Mr. Baldwin and the motion was carried 8-0.

APPROVAL OF MEETING MINUTES OF SEPTEMBER 18, 2023

Mr. Baldwin moved to approve the Planning Commission Meeting Minutes of September 18, 2023, seconded by Dr. Jones and the motion was unanimously carried 8-0.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, November 20, 2023, at 7:00PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on September 25 & 26, 2023 and October 9 & 10, 2023.

Mrs. Melson-Williams stated that we have had some Staff changes since the last meeting. Mr. Julian Swierczek was a Planner II with the City of Dover. His last day with the City was October 6, 2023. Today he started his new career as a Planning Staff member with the City of Alexandria, Virginia. We wish him the best. The second person that we are missing is Mrs. Mary Ellen Gray who served as the City Planner and Director of the Department of Planning and Inspections. Friday was her last day with the City of Dover. She is starting next week with the City of Rehoboth as their Planning and Community Development Director. She does note that it was a pleasure to serve and work with members of the Planning Commission. She is not moving anywhere; she will still continue to reside in Camden, DE. So, you might see her in your travels. She notes that she hopes that she was of value to both the Planning Commission and Staff during her time here at the City and she wishes us the best and success in our endeavors at the City of Dover in planning for its future. "Bear with us" is the key message coming out of the Planning Office. They will do their best to serve. She will note that the City Manager's Office is lending a hand in that the Assistant City Manager, Sharon Duca is helping with the administration of our overall Department. Ms. Duca has actually joined us online this evening to lend an ear and see what fun we have at Planning Commission meetings.

Mrs. Melson-Williams stated that last week the Planning Staff held a series of meetings and a

Workshop focused on the C-2 (Central Commercial Zone) code amendments. This is a project that we are working on associated with the *Transforming Downtown Dover Capital City 2030 Plan*. We provided the Commission the highlights flyer. Basically with this, they have started to look at the C-2 (Central Commercial Zone) in particular and have a series of potential concepts for future text amendments. They will be reporting to City Council next week on those initial concepts and hopefully moving forward with text writing of text amendments which will be a package that will ultimately come forth to the Planning Commission for a formal review process. We are in the concept stage. For those that may be listening or watching us this evening, from that Workshop there is a memo that presents the summary and the PowerPoint. Some other information is available on the City's website if you find your way to the City Meetings Calendar and take a look at the October 11, 2023 meeting which was the Walk-in Workshop that we offered to the public.

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:

C-21-07 Lands of First State Business Center, LLC: Two Buildings at 30 Lafferty Lane -
Request for a One-Year Extension of the Planning Commission Approval granted on November 15, 2021 of a Conditional Use Site Plan Application to permit the construction of two (2) Warehouse Buildings with a combined size of 296,400 SF, a trailer parking area, and associated site improvements. Building A is proposed at 132,600 SF and Building B is proposed at 163,800 SF. The property is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone): Accident Potential Zone I (APZ I) and Noise Zone A. The property consists of 30 acres and is located on the south side of Lafferty Lane between Bay Road and Horsepond Road. The owner of record is First State Business Center, LLC and the equitable owner is Jack Lingo Asset Management, LLC. Property Address: 30 Lafferty Lane. Tax Parcel Number: ED-05-077.00-01-28.03-000. Council District 2. PLUS Review: #2021-08-04.
Approved Waiver Request: Partial Elimination of Sidewalk. Approved Performance Standards Review Application. The Final Site Plan Approval was granted on April 25, 2023.

Representative: Mr. Doug Motley, Jack Lingo Asset Management

Mrs. Melson-Williams this is a Request for a One-Year Extension. The project was C-21-07 under the name of Lands of First State Business Center, LLC. It is a property out on the south side of Lafferty Lane. It came to be more commonly known as the Dover Logistics Center. It was a project for two warehouse buildings at that location. As noted, the Planning Commission considered this and granted conditional approval back in November 2021. With that, that kicked off the initial two years of eligibility for the project which would have it expiring the end of November 2023. Earlier this year, the project did complete a Final Site Plan Approval process that was granted in April 2023. They submitted a letter dated September 18, 2023 seeking this Request for a One-Year Extension. They are continuing some review and coordination with the

Dover Air Force Base due to proximity of the location to that facility.

Mr. Motley stated just to reiterate what Mrs. Melson-Williams said, this extension is kind of necessary because some things came up post final approval as it relates to the Air Base and concerns that they had with us coordinating some of the development activity. We are just asking for some more time to work through that with the people at the Air Base.

Mrs. Maucher asked if they had an anticipated timeline for when the issues might be resolved. Responding to Mrs. Maucher, Mr. Motley stated that he hopes that it is next week, but it could be a lot longer. There are some complexities in working with the federal government that can take a little bit of time.

Dr. Jones moved to approve C-21-07 Lands of First State Business Center, LLC: Two Buildings at 30 Lafferty Lane for a one-year extension, seconded by Mrs. Denney and the motion was carried 8-0 by roll call vote. Mr. Cooper voting yes. Mr. Roach voting yes. Mrs. Denney voting yes; she thinks it's appropriate. She has had times where she has had to work with the federal government herself. Mr. Hartman voting yes; based on the need to coordinate with the Dover Air Force Base. Mr. Baldwin voting yes. Dr. Jones voting yes; the applicant is moving along very well. Mrs. Welsh voting yes; it is important to coordinate with the Air Force Base, so she is sure that it's appropriate. Mrs. Maucher voting yes; for reasons stated.

NEW APPLICATIONS

S-23-18 Delaware State University New Agriculture Building at 1200 N. Dupont Highway – Public Hearing and Review of a Site Development Plan for a new one story 10,402 SF+/- Building of offices and classrooms as the New Agriculture Building with the associated site improvements. The project site will redevelop the existing baseball field area located on the Delaware State University main campus. The property is zoned IO (Institutional and Office Zone) and also subject to the SWPOZ (Source Water Protection Overlay Zone). Property Address: 1200 N. Dupont Highway. Tax Parcels: ED-05-057.00-01-19.00-000, ED-05-057.00-01-20.00-000, and portion of ED-05-057.00-01-21.00-000. Council District 4.

Representative: Mr. Mike Riemann, Becker Morgan Group; Mr. Khalid Zerrad, Delaware State University

Ms. Oehmke stated that this application is a Site Development Plan for a new 10,402 SF agriculture building on the Delaware State University campus at the site of the former baseball field on the southwestern portion of the campus. It is at the intersection of University Drive and Loop Road. It is zoned IO (Institutional and Office Zone) with a portion in the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The project area is 3.44 acres. It will house classrooms and offices. The plan outlines 31 additional parking spaces including two handicapped with one van accessible. Both entrances to the parking lot are off University Drive. There will be a sidewalk addition connecting the site to the rest of the campus walking network. The building is one-story with mostly brick and metal panels with wood paneling. It will be served by City of Dover water and sewer and DNREC overseeing the Sediment and Stormwater Management Plan.

Mr. Riemann stated that this is a new 10,402 SF building located in the vicinity of the existing baseball field that is going to be replaced. On the rendering shown, you can see the site mainly in green was the old baseball field that will be demolished. You can see the new building in a tan color in the middle and then the associated parking that would serve the facility and fire lane access, etc. The site gains access from internal streets within the campus so they don't access out to DelDOT streets. There will be landscaping; you can see the trees throughout in accordance with the City's landscape requirements. You can see a proposed stormwater management facility located on the bottom part of the screen. There are lots of sidewalks throughout as is expected throughout a campus. He believes that they provided the required bike parking in front of the building that was a requirement of the City. They reviewed the Staff Report that was provided and they don't have any objections to the recommendations that were part of that Report. The next slide shows the elevations. The front elevation is a mixture of materials. The next couple of slides will show a perspective of what the other sides of the building will look like.

Mr. Hartman asked if there will be a dedicated chemical storage area in the building. Responding to Mr. Hartman, Mr. Zerrad stated that he would think so. They are in the design development phase right now; so, he is sure that they will have that in the floor plan.

Mr. Hartman stated that since there is a dedicated chemical storage area in this building, isn't that prohibited in the SWPOZ (Source Water Protection Overlay Zone)? Responding to Mr. Hartman, Mr. Zerrad stated that there are not going to be any wet labs in the space. It is going to be a demonstration kitchen for a lot of cooking.

Mr. Riemann stated that when you say "agriculture building", understand that the space is a combination of meeting spaces, multi-purpose rooms, some classrooms, some offices and a demonstration kitchen. So any sort of chemicals that you might be thinking of are related to the activities associated with a demonstration kitchen, not agricultural activities like farming. The name of the project might be confusing because it is part of the agricultural department of the school.

Mr. Hartman asked for an example of the chemicals associated with the kitchen. Responding to Mr. Hartman, Mr. Zerrad stated that it will be no different than our personal homes; just something to clean the equipment.

Dr. Jones asked if this building is very close to the other agricultural buildings? Responding to Dr. Jones, Mr. Riemann stated that if you can picture the old baseball field that's where it will be located.

Mr. Zerrad stated that it's within proximity to the next buildings.

Dr. Jones asked if they would be near the agricultural buildings. Responding to Dr. Jones, Mr. Zerrad stated yes, they have several agricultural buildings. It is very close to the Washington Building.

Dr. Jones stated that the design of this building's flat roof seems to be very inconsistent with new construction on the campus and so forth as she has seen it. Does the building have a flat roof

line? Responding to Dr. Jones, Mr. Zerrad stated yes, it does have an EPDM roof. The prior buildings all had flat roofs. The ECIC Building that they just brought to the Commission about a month and a half ago has a flat roof.

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

Mr. Hartman stated that the applicant said in their presentation that they agreed with the Planning Staff comments based in the DAC Report with the requirements in the Advisory Comments as well, Section IX and Section XI of their DAC Report. Are those the comments that you agree to accept? Responding to Mr. Hartman, Mr. Riemann stated yes.

Mr. Hartman moved to approve S-23-18 Delaware State University New Agriculture Building at 1200 N. Dupont Highway for a Site Development Plan for a new one-story building with offices and classrooms at the new agricultural building with associated site improvements based on the applicant's acceptance of the Planning Staff's recommendations in their DAC Report, seconded by Dr. Jones and the motion was carried 8-0 by roll call vote. Mr. Hartman voting yes; based on the motion. Mr. Baldwin voting yes. Dr. Jones voting yes. Mrs. Welsh voting. Mr. Cooper voting yes. Mr. Roach voting yes. Mrs. Denney voting yes; she thinks it's an excellent use for this particular piece of ground. Mrs. Maucher voting yes; based on the DAC Report and Staff recommendations.

S-23-19 Windward Ridge Apartments on West Denneys Road – Public Hearing and Review of a Site Development Application for the construction of thirteen (13) garden style apartment buildings consisting of eleven (11) buildings containing twenty-four (24) units and two (2) buildings containing eighteen (18) units for a total of 300 apartment units. Also proposed are twelve (12) garage buildings, a Club House with Pool, walking paths, parking, and other site improvements. Two (2) existing single family detached dwellings will remain on separate lots after a Minor Lot Line Adjustment Plan to reconfigure the three properties. The properties are zoned RM-2 (Medium Density Residence Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone). The subject site consists of three parcels totaling 40.12 acres +/- located on the north side of West Denneys Road and west of but not adjacent to Carlisle Drive. The owners of record are George L. Craig Jr. and Deborah J. Craig; Robert G. Keller and Gloria K. Keller; and Bruce A. Burkett and the equitable owner is Jack Lingo Asset Management, LLC. Property Addresses: 57 Rocky Road, 4085 West Denneys Road, and an unaddressed parcel on West Denneys Road. Tax Parcels: ED-05-056.00-01-02.00-000, ED-05-056.00-01-03.00-000, and ED-056.00-01-04.00-000. Council District 1. *Review of Active Recreation Area. Waiver Requests: Partial Elimination of Sidewalk and Subdivision Waiver of Requirement for Two Connections to Public Street. This subject area was annexed with Application AX-22-03 Lands of Craig, Keller, and Burkett: Annexation of Three Parcels on West Denneys Road.*

Representative: Mr. Charlie Barnett, Morris & Ritchie Associates

Mrs. Melson-Williams stated that this is the application for Windward Ridge Apartments S-23-19. It is a Site Development Plan and it does have a Minor Lot Line Adjustment Plan as part of it and an Active Recreation Area Plan. It involves three tracts of land currently addressed as 57

Rocky Road, 4085 West Denneys Road, and an unaddressed parcel adjacent to those also found on the north side of West Denneys Road. The image shown on the screen is the plan for the entire site. Denneys Road is at the lower right-hand corner. The property subject to development is located west of Carlisle Village which is a single family residential subdivision that exists already out there. However, Carlisle Village is not in the City of Dover. The three parcels that make up this tract of just over forty (40) acres were annexed into the City of Dover with an application from 2022 with final action in early January 2023. The property is zoned RM-2 (Medium Density Residence Zone) and is also subject to the SWPOZ (Source Water Protection Overlay Zone). Their proposal is for an apartment complex of 300 units. It is spread across a total of thirteen (13) buildings. The project also includes Garages and a Club House building with a pool. Graphically, we see that these are three-story apartment buildings. There are a couple of entry points to each building that are located off the parking area. The parking surrounds the buildings. There is a circulation pattern throughout the development that loops through it. There is one access point to the facility from West Denneys Road. With this, they are meeting the City's parking requirements for parking of apartment projects and that is a rate of 2.25 spaces per dwelling unit. They would require 675 parking spaces. Their project is currently showing 724 parking spaces and those kind of flank the perimeter of the circulation drive. Also, the spaces are found within the twelve garage buildings that are on the site. With the project, there is the requirement for active recreation and their active recreation is proposed as a Club House facility with a pool. That Active Recreation Plan was required to have a minimum of 1.9 acres of land or facilities, and they are proposing 2.24 acres. It is a mix of spaces within the Club House. We can see that there is a variety of different spaces within that building to serve as yoga, fitness, and a great room that has game tables and the like. There are also restroom facilities that serve it and the adjacent pool area. Throughout the rest of the complex for active recreation, we do see a tot lot playground, a series of walking trails through two of the wooded areas that will remain on the project site, and the exercise and picnic area that is near the pool. There is also a proposal for a dog park area off one of the walking trails. There is an Active Recreation Area Report that focuses on the elements of active recreation. There were some Staff Recommendations made with that Active Recreation Plan that they presented to the Parks and Rec Committee. The Parks and Rec Committee did recommend approval of the proposed Active Recreation Area Plan subject to the plan review comments that Staff had made. With this project, there are a couple of Waivers that we need to talk about. One of them is related to sidewalks. The project is required to have sidewalks or a pathway along its frontage. In the image shown, you can see that a multi-use path will be provided basically from the east across the frontage. They are seeking relief from constructing a sidewalk or pathway across the remaining two lots where the existing single family detached housing units are. That is where they wish to not construct sidewalk. They have had some discussions with DelDOT already about traffic-related improvements and we will hear more from the applicant in that regard. They are seeking relief from having to construct sidewalk along these two areas that are already developed: by the single-family houses and its adjacent neighbor that is also a single-family unit with some other accessory structures. The second Waiver Request is actually called a Subdivision Waiver Request. In this request, the Subdivision Code requires two connections to a public street when a site development consists of more than one hundred and fifty (150) dwelling units. With that, they are only proposing this one entrance and have made that Request to serve this by that one entrance. That one entrance, Staff does note, is a boulevard style entry; meaning that it has a divided median. Planning Staff is supporting this Waiver Request because of the limitations on

what actually has a frontage and some of the preliminary comments received from DelDOT regarding the design of that entrance. Which really, there is not an option to get a second entrance onto West Denneys Road in this area. Unfortunately, when Carlisle Village was developed, there was no interconnection planned with that and then the remaining areas surrounding this proposed development tract, in some cases are impacted by wetland areas or to the north, there is actually a floodplain area where the City would prohibit construction in that area anyway. This is the second Waiver for you to consider this evening. The DAC Report is rather extensive. It includes the comments from the other regulatory agencies. This project did go through the PLUS Review process and the initial PLUS comments as well as the applicant's response to those are part of the packet. The Minor Lot Line is just to reconfigure the three existing parcels that we are dealing with to the configuration to place the large development on the overall tract and adjust what was the rear areas of the existing single-family residences. Some of that property land mass turns into the development area.

We do have the applicant representative here. She would just remind the Planning Commission that this is a Site Development Plan. It is an allowed use for garden apartments in the RM-2 (Medium Density Residence Zone). With the SWPOZ (Source Water Protection Overlay Zone), that has some limitations on impervious surface coverage which they've shown us the initial calculations for that and they will be continuing to work with the Kent Conservation District regarding stormwater management planning for the site. Tonight, the Planning Commission will need to act on the partial elimination of sidewalk Waiver and then make a recommendation regarding the Subdivision Waiver for the requirement of two connections to a public street.

Mr. Barnett stated that Mrs. Melson-Williams' introduction was very thorough. As mentioned, the project does have two Waivers that we will be looking for. Prior to submitting the plans to the City of Dover, they met with the City Fire Marshal. They discussed the single entrance, the circulation of emergency vehicles within the development, and the access to the buildings. They actually sat down together to delineate and show where those were requested by the Fire Marshal. The Fire Marshal made comment during the DAC Meeting that they had met those requested locations and there was no problem on that behalf with the single entrance or the design of the entrance. As stated, they did have a pre-application meeting with DelDOT in which they reiterated to us that it is their intent and wishes to only have one entrance to this subdivision off of West Denneys Road. West Denneys Road is a major collector in their hierarchy of streets and their *Subdivision Code* states to only allow one entrance per subdivision onto roads of that sort. Due to the remaining parcels around us, there aren't any other connections to either State or City owned roads to have another entrance to. They have also made comments in the DAC Meeting packet that also states that they recommend the Waiver that was approved for a single entrance access. Also, the other Waiver speaking towards the sidewalks, as stated, they have sidewalks throughout the entire Site Plan provided for all of the residents. The only location that we are requesting for it not to be is in front of the existing homestead for the Keller Family as well as the Craig Family immediately west. They are proposing to have a multi-use path on the east or the right of the entrance as shown on the plan. It will tie into the actual street frontage on both sides; however, to extend that across the neighboring existing homesteads that sidewalk would cut right through the middle of her driveway. It would be fifteen feet off the front of her house and it would be quite cumbersome for Ms. Keller to continue to live there. We are required per DelDOT at our entrance there in front of her house to have an acceleration lane as

people come out of the subdivision to turn right and go west. There will be a bike lane that then turns into the shoulder of West Denneys Road. So, there will be a way for people to walk along that bike lane and pedestrian way to that side. But DelDOT will not want the sidewalk to be within their right of way and due to the dedication of the additional right of way, it leaves a very small area. We are going to still dedicate and show a fifteen-foot-wide easement in front of her home and along the front of both of those properties there. If in the future, there is any sidewalk to the west then this could potentially connect to. If for some reason in the future she moves away and something else happens with that property, there would be an easement that would allow for a sidewalk to be constructed. But at this time, there is no pedestrian facilities to the west, no real logical reason to have this be built at this time. Therefore, we are requesting that waiver.

Mr. Hartman stated that according to the PLUS statement, if there's fifty (50) vehicle trips in per hour in any hour of the day, there is TIS required. Is that correct? Responding to Mr. Hartman, Mr. Barnett stated that he thinks that number is two hundred (200); that is the limit of when DelDOT requires a TIS.

Mr. Hartman asked if he could review Comment 5 to your reply to the PLUS comment. Responding to Mr. Hartman, Mr. Barnett stated that he thinks the comment is verbatim as we received it. But in addition to that, we have another letter from DelDOT dated August 2, 2023 and the City was copied on it that says that "they will accept the areawide study fee for this as they do not meet the necessity for a Traffic Impact Study." He thought that it was going to have that information in here, but he doesn't see it in their language.

Mr. Hartman stated that the comments letter is dated September 29, 2023 and the requirement here in your answer is fifty (50) vehicle trips per hour in any hour of the day. How many vehicle trips do you project from this? Responding to Mr. Hartman, Mr. Barnett stated that number that you are reading is not his response. That is the initial question that was written.

Mr. Hartman stated that they are saying that the requirement is per Section 2.2.2.1 of the Manual. Responding to Mr. Hartman, Mr. Barnett stated that there are two parts to the question. The first of which is that they report that during the maximum hour, the highest peak hour. They have seventy-six (76) trips.

Mr. Hartman stated that they exceed what DelDOT has said first of all with about fifty (50) vehicle trip ins per any hour of the day. Responding to Mr. Hartman, Mr. Barnett stated that they are exceeding what was made in that comment here. He just found DelDOT's other letter to us where they do say that "this project would qualify for a payment to the Area Wide Study fee in lieu of doing a TIS as it would generate fewer than 2,000 trips per day and fewer than 200 peak hour trips." He believes that the one from PLUS is a typographical error.

Mr. Hartman stated that it is also addressed in the same letter as Comment 6. So, which one is this body supposed to take, Comment 5 or Comment 6? What is an area wide survey fee? What do you anticipate paying for an area wide survey? Responding to Mr. Hartman, Mr. Barnett stated that he believes that the language in Comment 6 is more accurate and is reflected of what is in the *Development Coordination Manual*. He can't speak to the typographical error in

Comment 5. To the second question about the Area Wide Study fee, he believes that the letter from DelDOT says that the Area Wide Study fee would be \$19,980. In case you are not familiar, that is not the fee that the developer would pay for improvements to DELDOT streets or to do anything. It is just for DelDOT to double check their numbers and calculate everything.

Mr. Hartman stated that he understands that but could he explain what good is this Area Wide Study fee going to do for this development and for the adjacent developments. Responding to Mr. Hartman, Mr. Barnett stated that the Area Wide Study fee allows DelDOT to do their own traffic calculations to determine if there are areas that have problematic intersections or if additional improvements are needed in order to maintain safe traffic maneuvering.

Mr. Hartman stated that this Area Wide Study fee of \$19,980 will not specifically address concerns from Carlisle Village, Maple Glen, Farthing Woods, or this proposed development. Responding to Mr. Hartman, Mr. Barnett stated that it very well could as the result of that.

Mr. Hartman asked if he could stop him on “could”. This body is supposed to make decisions to protect the health, welfare and safety of the public and you are telling me that it “could.” We have disagreeing comments here to the PLUS Committee. He doesn’t understand how this body could make a decision tonight based on our responsibilities to the public to approve this. Responding to Mr. Hartman, Mr. Barnett stated that West Denneys Road is a DelDOT State maintained street. DelDOT does studies from time to time. Some are done by developers and some are done internally. In those studies, they determine if the portions of street, intersections, traffic are safe and if improvements are needed in order to keep those operating at their standards. The Area Wide Study fee is the thing that a developer can pay to help DelDOT offset the costs of doing those counts, but it in no way changes what requirements the developer is required to do in order to update, improve and maintain those same areas. DelDOT still has the opportunity to come to the developer and require them to make improvements to the road down the street and intersections between the development and other high traffic areas. It does not prohibit or preclude any of those things from happening.

Mr. Hartman asked who the local land use authority was here. Responding to Mr. Hartman, Mrs. Melson-Williams stated that the reference to the local land use authority would be the City of Dover and in its adopted regulations. That would be the *Zoning Ordinance* and the process that we have for review which involves the Planning Commission. Collectively yes. She does want to comment on the two different statements that DelDOT has made in the PLUS letter and in the applicant’s response in Comments 5 and 6. They actually refer to two different sections of the *Development Coordination Manual*. She thinks that there is one test for Traffic Impact Studies. There is a different test which is the Comment 6 for if it would be eligible for an Area Wide Study fee payment in lieu. So, there are two different threshold tests there. In the case of West Denneys Road, DelDOT is the regulatory authority. They will have to meet the requirements of DelDOT for the design of their entrance and connection to that roadway. It may involve other off-site improvements to that segment of West Denneys Road or beyond. That will be part of any kind of Entrance Plan review process with that regulatory agency.

Mr. Hartman stated that Article 7 of the special provisions, which you quote a variance and waiver states that “City Council may vary or waive said requirements provided that such

variance or waiver shall not be detrimental to the public health, safety or general welfare.” This has happened before with traffic. He likes this proposal except for the traffic. It looks like a beautiful development and he agrees with everything else except for the lack of a Traffic impact study. Why did our Planning Office as the local land use authority not see this? You are looking at DelDOT which looks at a chart and you are looking at it if as there is no other option than just one entrance so we have to grant this variance. We, as the Commission, have to look at the public health, safety and welfare and every time this issue comes up, we are left holding the bag. We have to make a decision on public safety and welfare with no information except DelDOT reading the chart and Planning Staff saying “well there is no other option.” It is quoted in this PLUS comment that the DelDOT Manual requires a TIS with fifty (50) peak trips a day. They are having seventy-six (76) so he plans to vote no on this application based on that. Responding to Mr. Hartman, Mr. Barnett stated that he would again just reiterate that whether a Traffic Impact Study is done by the developer or whether DelDOT uses the Area Wide Study fee to do their own traffic analysis, it does not change what requirements will or will not impose on the project in order to make sure that the surrounding roads and intersections are up kept to their standards. He has seen two things from Mr. Hartman. One, he is concerned about there only being one entrance. He would say that the traffic on West Denneys Road would be the same if we had two entrances versus one. It is still the same number of units and traffic out on the road. Two, DelDOT is going to determine what the developer is responsible to do because of their traffic impact. That has absolutely nothing to do with whether or not they do a Traffic Impact Study or whether DelDOT uses information gained through their Area Wide Study fee.

Mr. Hartman stated that he wishes it was in the Ordinance that it was DelDOT’s responsibility to approve this thing and protect the public health and welfare. But it’s our responsibility and here we are without any information from you or DelDOT and we have to make a decision to protect the public health and safety. He thinks that they should come down on the side of public health and safety rather than what could be or might be.

Mrs. Denney stated that she had questions along that line about the applicant’s statement that there is no other entrance available. Even if for some reason there were able to come up with a plan, it would still force the traffic on Denneys Road which is already an issue. She feels like it is all over Delaware. All of our roads were built a long time ago and not to serve as many people and so everything forces impacts. She sometimes looks at things and thinks okay another traffic light, which only just makes everybody’s commutes longer especially in peak hours. Then she thinks about school buses and things like that. It doesn’t appear as though there is really much opportunity for widening there or to make another lane or even to have turn lanes. That gives her great concern. She realizes that the ingress and egress and all of that traffic impact is all of the responsibility of DelDOT and we can’t say that someone can only have so many cars. That is DelDOT; it is a State maintained road and that is up to them. She really has a concern and she is wondering if there was a way to have two areas for ingress and egress on West Denneys Road, would that help? She is not an engineer so she wouldn’t proclaim yes or no but she is asking that question. Responding to Mrs. Denney, Mr. Barnett stated that if you looked at Google Earth or a wide view map of where this project is located, it’s just nowhere close where you can put another road out to West Denneys Road. The closest thing that you have is to try to connect it somewhere into Carlisle Village and as stated before, there is really not room to do that. He would imagine that the residents of Carlisle Village wouldn’t want these people driving through

their neighborhood and yet again, if they would, they would move 300 feet down the road and exit onto West Denneys Road. If the concern is traffic along West Denneys Road, it would still be the same number of cars whether they went through Carlisle Village or came out of their own entrance.

Mrs. Denney stated these buildings are not designed as a senior community, so you are going to have school buses. You may have even bus stops, people waiting along the road to take a bus in town or to shop or to work, because we have more people doing that these days. She happens to live on State Street and it's an absolute walking community. At 8:00AM you have people out there waiting for buses with their children, you have people who are biking and walking to jobs that she assumes are in Downtown Dover because she never follows anybody. They generally go by around 8:00AM and then again at 5:30-6:00PM in the opposite direction. So she is making a broad assumption that they are going and coming from work. She is just concerned with the width of the road, where the entrance is, or if there is like a DART bus stop. She knows that that is up to DelDOT where they would make the area for the bus station, but she is just concerned. Is there room for that? Responding to Mrs. Denney, Mr. Barnett stated that there will be dedicated turn lanes out of the subdivision. We have been able to display that to DelDOT at our pre-application meeting that there is the room to do that. It is his understanding that school buses and other bus stops would be internal; so, they would come off of West Denneys Road and into the neighborhood.

Mrs. Denney stated that the school bus thing makes sense that they will go in. Responding to Mrs. Denney, Mr. Barnett stated that they have provided very wide drive aisles through the entrance. As stated before, they have a boulevard entrance so there is a nice landscaped island in the middle, but then it's a twenty foot wide lane on either side. There is plenty of room for buses and emergency vehicles to get in and out without having to worry about any of that. They should be able to get into the internal part of the subdivision to be able to do any kind of bus stops or pickups without backing up traffic on West Denneys Road.

Mrs. Denney stated that when she looks at these plans, the other thing is that there is already going to be an impact on Carlisle Village. But there would be no reason that they could accomplish anything by going through Carlisle Village in any way. We also need to think about the people who are established in Carlisle Village. We don't want their homes, their daily commutes, or their lives to be anymore disrupted than getting a new neighbor would be. Responding to Mrs. Denney, Mr. Barnett stated that unfortunately when that subdivision was designed there was no provisions made for a future connection. It is single lots all along that side and there is really not a gap anywhere to be able to connect the road through.

Mrs. Denney stated that at this point, they all have to come out through the new development to get out on Denneys Road. Responding to Mrs. Denney, Mr. Barnett stated that there will be no cross traffic straight between Carlisle Village and Windward Ridge either way.

Mr. Hartman asked about Lot B, if that lot was part of the development and would that help in the exit in any way? That is one of the owners, correct? Responding to Mr. Hartman, Mr. Barnett stated correct, one of the existing landowners in going to retain that parcel to continue to live in.

Mr. Hartman asked that if they were to give up that parcel, would engineering permit a better outlet to Denneys Road. Responding to Mr. Hartman, Mr. Barnett stated that he would say two things to that. One, DelDOT's *Development Coordination Manual* very clearly states that for major collector roads, any subdivisions shall have access through one single access point, and they would not allow a second one. They stated to us in the meeting as well that they wouldn't and again, it will not change the amount of traffic on West Denneys Road one bit. It would still be the exact same number of cars. You would then have a traffic congestion area with two entrances so close to each other.

Mr. Hartman stated that he understands that and agrees with it but he was just thinking about road widening.

Dr. Jones stated that she concurs with the concern about the traffic. There are three other developments in that area that use West Denneys Road. Responding to Dr. Jones, Mr. Barnett stated yes, he thinks that there might be three.

Dr. Jones stated that they all access that road that doesn't even have much of a shoulder. So the number of cars or trips to which you refer, basically you are referring to those that would be generated by the apartments. Responding to Dr. Jones, Mr. Barnett stated that is correct.

Dr. Jones stated that does not really take into consideration every trip. She has a lot of testimony from people in that area and that is one of their major concerns. One even mentioned that of course housing is desirable, but the traffic will be a nightmare. So that will be one of her concerns as well because it really is a bad road. Responding to Dr. Jones, Mr. Barnett stated that the best response to that would be that the developer will be providing money to DelDOT for improvements as part of their entrance design and requirements. DelDOT often collects these monies from different subdivisions and then puts them towards their capital projects. If they determine that West Denneys Road needs to be improved between the entrance here and the light at McKee Road or anything like that, they can do one of two things. They can require the developer to actually pay for that upfront or pay into a kitty that as it builds up with enough money that they can then make those kinds of improvements on a statewide basis. Obviously, for the developer to do that might impact other landowners up and down West Denneys Road and that is difficult to do from a private side. But if the developer pays money to DelDOT, then they can do it as a capital project.

Dr. Jones stated that she can appreciate that but of course what happens normally, the improvements are not concurrent with the completion of new developments.

Mrs. Maucher opened a public hearing.

Mr. Brandon Politt – 3232 Kenton Road Dover, DE 19904

Mr. Politt stated that he is the landowner of 3232 Kenton Road which is connected to the northern side. He travels West Denneys Road quite frequently and it is very heavily traveled. He does ask Council to keep in mind that you do have two more proposed developments coming up. Stonebrook East and Stonebrook West are going to add additional traffic to West Denneys Road. He has already seen accidents at Carlisle Village and the house on the corner has already been

run through. His other concern is what is going to be done to keep people out of other people's properties. Are there going to be fences, privacy barriers or anything along those lines?

Mr. Kenny Clendaniel – 3867 West Denneys Road Dover, DE 19904

Mr. Clendaniel stated that his property is approximately four (4) properties west of this entrance that goes into this new development. If Mrs. Melson-Williams' statement was correct that there are 2.25 cars that they need parking spaces for, that's about 672 cars that could be coming out of there and this entrance is in the middle of a S-curve. There is a curve to the east and a curve to the west. There is very little chance to see either way whether there are cars coming or not. He has lived on West Denneys Road for 73 years and he has seen it grow up to the point now where there are no shoulders at all from Dover Kenton Road all the way to McKee Road. There is not one bit of shoulders on that road. He belongs to the fire department that covers that road and we have run many accidents between Carlisle Village and that S curve there. He thinks that is something that we need to keep in mind.

Mr. C.J. Palmer – 48 Ardsley Drive Dover, DE 19904

Mr. Palmer stated that he lives in Carlisle Village. Looking at this project, it is a pretty large project and it is actually bumping right up against Carlisle Village. We have the environmental piece and a security and safety piece. Will this property be separated from Carlisle Village? Talking about that entrance from a security and safety piece, regardless of how many spaces you have, these buildings look like three to four stories high. For emergency vehicles to get in there, especially ladder trucks that are going to cause an issue especially for turnarounds and things of that nature. For the security up against the Carlisle Village community, is there going to be a separation fence line? How do we plan on doing that because whoever is occupying these buildings, they may find it necessary to cross through people's yards or something to find a way out or an easy way through. You were talking about sidewalks and things along that area. How is that going to really affect Carlisle Village? From a resident's point of view, what type of residents because we have assisted living? Will there be assisted living or low income apartments in there? These are things that he would like to know. Where can he go to see the studies that have been done on this? Just by living there, like the gentlemen before him, there have been many accidents. He has seen the Carlisle Village entrance get hit three or four times. But the other piece is the environmental piece. When it rains heavily, are they redirecting all that water or are they going to be redirecting it into Carlisle Village? Right now, it flows right across Denneys Road especially at that bend right there. There are a lot of nuisances that we need to address or if they have been addressed, how can we get that information and read up on it to see if it's been addressed appropriately?

Mrs. Melson-Williams stated to answer a couple of questions, there is an open area between the planned improvements for the apartment project and where Carlisle Village is. She believes that there is a woods line there and she doesn't believe that it is intended to be fenced. But there is definitely a separation there. What would be the closest to Carlisle Village is a series of parking spaces and a couple of the garage buildings for a portion of the site. For the other question about the types of residents, she believes that this is what they would call a "market rate" apartment complex. It is not specifically targeted to any particular income group or need group that has been mentioned. Our Code does not require them to identify that as part of their process. And the environmental question about rain, they will have to manage the stormwater i.e. the rain that falls

on their property on their site. They will be working with the Kent Conservation District as to plans for where they need to add ponds or other facilities to manage their water on their site. Mr. Palmer, if you would like to view their plans more closely, you can certainly reach out to the Planning Office. We are located here in Downtown Dover in the City Hall building. We are open 8:30AM-5:00PM and we would be happy to show you the plans and help you understand those. If you reach out to us, they could also provide some things to you electronically. They are posted on the City's website as part of tonight's meeting packet as well.

Mr. Barnett stated that the only thing that he was going to add was that along the common property line of Carlisle Village, they are proposing to retain at minimum, a twenty (20) foot wide strip of trees in that setback. In most places, it is a little bit wider than that. The narrowest part is down at the southern end at the closest parking spaces to West Denneys Road. As you travel back into the neighborhood just because of the way the two property lines aren't parallel to each other, it actually gets wider towards the back end. It is closer to about forty (40) foot wide of trees that will be saved. In addition, up against those remaining trees there is all parking spaces, none of the buildings are right there. The closest buildings are going to be over 95 feet away from the property lines. The parking spaces up against there will have islands in them and those islands will have additional landscape trees planted. As Mrs. Melson-Williams stated, they will be working with the Kent Conservation District for stormwater management. They have already had discussions with them and technical exploration have been done to determine if we can do infiltration which they were hoping to do on this site in some places. The stormwater management will be designed so that no additional runoff will leave the property onto any of the surrounding sites.

Mr. Joseph Blevins – 39 Ardsley Drive Dover, DE 19904

Mr. Blevins stated that he agrees with what Mr. Palmer was saying. He understands that it was said that these are market rate apartment housing which is fine but there are 300 units. Are we assuming that everybody living in this apartment complex is going to be automobile dependent because if not, all of West Denneys Road doesn't have sidewalks and the nearest place to get groceries is 2.3 miles away at Redners. He kind of heard all of that conversation but the audio has been very in and out. Additionally, there are no bus stops along that way and that's not really the developer's problem. It would be a City of Dover decision to put bus stops in, correct? To put an apartment complex that is isolated like that and expect everyone to have an automobile, just seems a little far-fetched to him. He knows that they are talking about one entrance in. Yes, Carlisle Village has one entrance, but Carlisle Village was built in 1996. It had different rules and regulations. They have changed since then and for good reason. In regards to the buffer, twenty foot of growth is not actually a big buffer. Are you ripping out all of the old growth and putting in new? He would like to actually see a fence in addition to the wooded buffer. Finally, his question is when the developers do come in and start clearing out all of these old growth trees for their development that have been there for quite some time, there is quite a bit of wildlife that lives there that is now going to want to live in his front yard. Does he get to charge the developer for damages to his property for the wildlife that they have disrupted? Responding to Mr. Blevins, Mrs. Melson-Williams stated that on the question about the bus stop location, that is not a City decision. Public transportation is part of the DART First State Program. They look at development activities and would identify if a bus stop location is necessary and where that should be placed in that corridor area.

Mr. Blevins stated that Denneys Road is just a really dangerous road to be walking on.

Mrs. Melson-Williams stated that for the concern with the buffer, she believes that their intention is to leave the existing trees in that area. There will be some additional, in close proximity, tree plantings of new trees to meet the tree planting requirements for the overall site as well.

Mr. Jordan Ford – 4193 West Denneys Road Dover, DE 19904

Mr. Ford stated he does like lot of what was mentioned in regards to the proposal of the project. He has two main concerns with it. One is that his property is right on the edge of Carlisle Drive on West Denneys Road. He is right on that S curve. If we are going to be putting in that entrance, he sees that as a huge issue because time and time again, people are already speeding through this road. We are already having people pull out of Carlisle Village without that stop sign. He is not sure if this is for DelDOT, but he would propose at minimum, a traffic light to be implemented here or at least onto that new apartment complex. Another thing that he would mention is the wildlife impact that it would have. Right now he has that woods as his backyard and it is really a shame to have that taken away. As the other caller mentioned, to have that displaced is definitely going to put damage onto his property. He would like to know how that would be used.

Mrs. Melson-Williams asked if there was a particular question that Mr. Ford was looking for an answer on because it wasn't real clear. Responding to Mrs. Melson-Williams, Mr. Ford stated that he just wanted to make those statements.

Mrs. Melson-Williams stated that there were two items of public comment that were received in writing. The first one was received in time and it went out in our packets to the Planning Commission members. That was an email dated September 29, 2023 from Mr. Joseph Blevins. In his email, he notes the need for housing but then also listed some questions which she thinks that he reiterated in his statement this evening about questions on its proximity to really anything service-wise, the concern about Denneys Road with bust stops, the road itself, and the lack of sidewalks. So that is presented for the Planning Commission. This evening, it was on the Commissioner's desks and was distributed by email as well, is an email that was received on October 12, 2023 from Ms. Beth Knight. She notes that she is a longtime resident and homeowner in Carlisle Village. She notes some concerns about the apartment buildings. Mainly, her statement is focused on West Denneys Road itself, noting the makeup of that road with no shoulders, turn lanes or sidewalks in this area and the levels of traffic over time and the potential for concerns with if there are accidents in the area and the ability to exit various neighborhoods. Her closing statement is that she has other concerns but the traffic situation is probably the priority. She disagrees with a large apartment complex being built at that location.

Mrs. Maucher closed the public hearing.

Mr. Hartman stated that six or seven of the public commenting tonight either here or virtually or by email, mentioned their concerns with traffic and three or four of them mentioned their experiences with accidents in that area. He just wanted to again state that their responsibility to protect the public's safety, health and welfare and that is the same with City Council. He is disappointed that they weren't given a Traffic Impact Study.

Mr. Baldwin stated that he has listened to the testimony and read the technical data. This afternoon, he spent 2 hours on that curve. He would drive to McKee Road to Kenton Road and he would wait at the curve just to observe the traffic that was coming at that curve. In the two hours that he was there, he was almost hit twice. So, he is imagining what would happen if something happened in front of the entrance to this apartment complex. The people would be trapped in there and would not be able to get out. He is just uncomfortable going with one entrance. He is thinking that maybe there is something else that can be done to make that curve safer for the people who are going in and out. Secondly, is there going to be a left and right in and out or is it just going to be a left in and a right out? Responding to Mr. Baldwin, Mr. Barnett stated that it will be a full movement left and right in and out.

Mr. Baldwin asked if they were going to have acceleration and deceleration lanes. Responding to Mr. Baldwin, Mr. Barnett stated yes. There will be acceleration and deceleration lanes and there will be safety area for someone to turn left into the subdivision and to be able to get around the vehicle that is stopped there. DelDOT will require us to widen the road through the S turn. If there is an ability to soften the sharpness of the curves, they will have that done as well. It will all be part of the final engineering and design. At this time, we are not at that process but that's something that DelDOT's safety engineers will review and require as part of the entrance. In addition to widening that, he believes that the site lines will be opened up so that you can see better through that S-turn DelDOT will require them to take out some of the trees right along the edge of that road that kind of blocks that now. That should hopefully make it have a better viewpoint in both directions.

Mr. Hartman moved to table application S-23-19 Windward Ridge Apartments on West Denneys Road for construction of 13 garden style apartment buildings until this body is provided a Traffic Impact Study or other proof that 300 apartments in this development will not be adding to the safety hazard that apparently already exists on West Denneys Road. He bases that partly on the PLUS Report, the DelDOT comments specifically their comments in Section 2.2.2.1 of the Development Coordination Manual which requires a Traffic Impact Study where development generates in trips of 50 or more vehicles in any hour of the day. As the applicant stated, they have 76 in trips at peak. The motion was seconded by Dr. Jones. (Discussion continued.)

Mrs. Maucher asked if there was a proposal of how to bring it back. Are you looking for a letter from DelDOT? Responding to Mrs. Maucher, Mr. Hartman stated that he is looking for something from either the City, the developer or DelDOT that would allay the fears of the public and of himself and others in this body that they would not be creating a safety hazard with approval of this application based on the 300 apartment units. He is looking for something to base a recommendation that yes, it provides safety, health and welfare for the public and he is not there yet. He doesn't see anywhere in here that says that.

Mrs. Maucher asked Planning Staff if there was a requirement on timing to bring it back. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that in the current motion that was put forth by Mr. Hartman, it was a motion to table. She would suggest that it is changed to a motion to defer. He requested specific information so it would be upon receipt of that information, they could then place it back on your meeting agenda to complete the consideration

of that should this motion that was put forth be successful this evening.

Mr. Hartman moved to defer application S-23-19 Windward Ridge Apartments on West Denneys Road for construction of 13 garden style apartment buildings until this body is provided a Traffic Impact Study or other proof that 300 apartments in this development will not be adding to the safety hazard that apparently already exists on West Denneys Road. He bases that partly on the PLUS Report, the DelDOT comments specifically their comments in Section 2.2.2.1 of the Development Coordination Manual which requires a Traffic Impact Study where development generates in trips of 50 or more vehicles in any hour of the day. As the applicant stated, they have 76 in trips at peak. The motion was seconded by Dr. Jones and the motion was carried 7-0 with Mr. Cooper absent. Mr. Hartman voting yes; based on his earlier statements. Mr. Baldwin voting yes; based on prior statements. Dr. Jones voting yes; for reasons that have been stated and the concerns of the residents in that area as well as other information that has been discussed. Mrs. Welsh voting yes; she would like more information herself. In looking at the plan, the current location of the entrance does appear to be one of the most unsafe locations from her point of view that it could be located. Mr. Roach voting yes; in regards to the concerns of the residents of the area and the entrance way and also the traffic. He does believe that they need a little bit more information just so they can make a better informed decision. Mrs. Denney voting yes; she thinks that she would like to be better informed most especially about DelDOT's information because obviously already by testimony given by people this evening, there are lots of accidents along that road. And whether they recommend a traffic light or whatever DelDOT recommends, she thinks that it would be important information for us to hear. It's more than just the traffic. She always thinks what if there is an accident and what if we have fire and rescue equipment trying to get into one of the apartments but the roads are all blocked because there really isn't much shoulder. She just really would like to hear back, for safety's sake, what DelDOT has to say. She also just wants to state that she has concerns for the residents who have expressed safety concerns and would like more than just a distance buffer between them and the neighboring development of Carlisle Village. Mrs. Maucher voting yes; particularly on information regarding the safety concerns around the curve and the improvements that will be made to ensure safety with that.

MI-23-03 Text Amendment: Add Use to C-2 (Central Commercial Zone) - Public Hearing and Review for Recommendation to City Council of a Text Amendment to the Zoning Ordinance, Article 3 – District Regulations, Section 13. Central commercial zone (C-2), Section 13.1. The Ordinance proposes adding the use of indoor recreation and amusement establishments as a permitted use in the C-2 zone. Ordinance #2023-08. First Reading was held by City Council on September 11, 2023 where the Public Hearing dates were set for Planning Commission on October 16, 2023 and City Council on October 23, 2023.

Representative: Planning Staff

Mrs. Melson-Williams stated that this Text Amendment is on a different track than the ones that she spoke about earlier. This is a request for Ordinance #2023-08. There was a request to add the use of “indoor recreation and amusement establishments” as a permitted use in the C-2 (Central Commercial Zone). The C-2 (Central Commercial Zone) is found predominantly basically in the downtown area and focused on the Loockerman Street Corridor. We currently have several of our zones that do allow for indoor recreation and amusement establishments. Those particularly

are in the IO (Institutional and Office Zone), the C-3 (Service Commercial Zone), the C-4 (Highway Commercial Zone), and it was most recently added to the IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center). From the Report, we did provide you with the current permitted conditional uses that exist in the C-2 (Central Commercial Zone). This would add an additional line to include the indoor recreation and amusements to that. With this process, the *Zoning Ordinance* gives certain factors that the City Planner should report on when looking at any Text Amendment requests. It calls on us to look at the principles of the ordinance and the particular zone that it is looking to make changes to and also to look at the aims of the *Comprehensive Plan*. In our Report, we noted that the *Comprehensive Plan* does have discussion items in the Housing Chapter. With a goal to provide safe, healthy and livable neighborhoods and to articulate the link between housing and health. We see that any type of recreational facility in the Downtown District would certainly encourage healthy lifestyles for residents of the area or people that happen to be visiting. Likewise, Chapter 12 of the *Comprehensive Plan* which is the Land Development Plan focuses this area. C-2 (Central Commercial Zone) is one of the mixed-use areas in the city that we find in Downtown Dover. That is a mix of uses as residential, commercial and office uses; so, we find that this fits that opportunity for a mix of uses. In this case, because it is a Text Amendment to the *Zoning Ordinance*, the Planning Commission will be making a recommendation. That recommendation, after a public hearing tonight, will be forwarded onto City Council. City Council will conduct their own public hearing and action on the Text Amendment. The Planning Commission is charged with evaluating the same factors as the City Planner and those are: is the change of the Text Amendment consistent with the aims and principles embodied in the Ordinance as to the particular zone concerned? In this case, that zone is the C-2 (Central Commercial Zone). And then whether the proposed amendment is consistent with the *Comprehensive Plan*. This was a thought that was brought to us and then became an Ordinance request with the support of City Council members to beginning the review process.

Mrs. Maucher asked if there was a formal definition for “indoor recreation and amusement”. That could invite a large number of interesting applications. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the Code does not currently have a definition nor does this Text Amendment propose one. Indoor recreation could be a range of things such as a karate studio, a gym, or some place where you actually would play games such as a bowling alley, a roller rink or things of that nature. There are some general common sense things that we would interpret to be allowed in that zone that meets the recreation and amusement establishment use. She thinks that it would be where a person comes there to do something in particular that involves movement of some type.

Mrs. Denney stated that examples that you gave were roller skating and bowling. Would a pool hall qualify? Responding to Mrs. Denney, Mrs. Melson-Williams stated yes, technically.

Mrs. Denney asked if an arcade with pinball type games would qualify. Responding to Mrs. Denney, Mrs. Melson-Williams stated yes. This establishes a use in the *Zoning Ordinance*. In order to establish any such activity in a particular building location, there are additional requirements with the Building Code and Fire Code. Depending on what exactly that activity is, then it will be necessary to prepare the space with its correct means of egress/entry and whether it requires sprinkler, fire alarm, and the like.

Mrs. Welsh stated that the wording “indoor recreation and amusement establishments” is the wording that’s in the IO (Institutional and Office Zone), C-3 (Service Commercial Zone), C-4 (Highway Commercial Zone), and IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center). Are there no specifics in any of those zones as far as what the recreation would be as well? Responding to Mrs. Welsh, Mrs. Melson-Williams stated that was correct. We chose to utilize the same language that is found elsewhere in the *Zoning Ordinance* already.

Mrs. Welsh asked if there was really not anything specific as to the definition of “recreation and amusement” in any of the zones right now? Responding to Mrs. Welsh, Mrs. Melson-Williams stated that is correct. When the *Zoning Ordinance* does not specifically define a word, then the practice is to go to a commonly used dictionary and to see if that lends assistance in clarifying that activity specifically.

Mrs. Welsh stated that she just wanted to confirm that wherever it is, it’s all based on the proposal and common sense as far as what would be appropriate. Responding to Mrs. Welsh, Mrs. Melson-Williams stated that is correct. If there is a question on whether an activity fits those terms of “indoor recreation and amusement establishment”, the *Zoning Ordinance* gives the City Planner the ability to interpret and that’s what would be done if there was someone seeking to make use of the space in that manner.

Mrs. Welsh stated that basically this adds it to another zone, but rules are the same for everybody. Responding to Mrs. Welsh, Mrs. Melson-Williams stated that is correct. It uses the same terminology as we already have in the other zones.

Mr. Hartman asked if that would include a rollercoaster on an empty lot. Responding to Mr. Hartman, Mrs. Melson-Williams stated that technically not because it uses the term “indoor” recreation and amusements. There is, she believes, in the C-2 (Central Commercial Zone) an additional statement that talks about uses happening within enclosed buildings. If you are thinking the amusement rollercoaster ride that’s an amusement park that’s open air, she does not believe that would be in the definition here.

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-23-03 Text Amendment: Add Use to C-2 (Central Commercial Zone) to accept the text amendment as written, seconded by Mr. Baldwin and the motion was carried 7-0 by roll call vote with Mr. Cooper absent. Mrs. Welsh voting yes; it seems to be a sensible thing to do in order to generate some more Downtown Dover development. Mr. Roach voting yes, he always commends the Staff for being detail oriented in nature when it comes down to these things. He definitely feels as though it’s welcome and it is definitely necessary to try to bring some uniformity in regards to the actual Codes. Mrs. Denney voting yes; she thinks that it would be very helpful for Downtown to broaden the horizons with some ideas of some other things that people can do. Although, she has to say that these types of things make her nervous. Mr. Hartman voting yes; based on the fact that it is consistent with the aims and principles embodied in the Ordinance and consistent with the Comprehensive Plan, and he also thinks that it is a good idea. Mr. Baldwin voting yes; based on the prior statements. Dr. Jones voting yes; based on previous statements. Mrs. Maucher voting

yes; based on previous comments. She would also encourage City Council to consider adding some definitions to what that constitutes because she would have the concern that if someone proposes something that is undesirable, that there may not be an opportunity to reject it when you have broad language. Adding a little more definition might be helpful.

NEW BUSINESS**Update on Review of and Revisions to By-Laws and Development of Planning Commission Rules of Procedure**

Mrs. Maucher stated that they circulated an initial draft of the By-Law changes. There are some more definitions that need to be added to those. They are working on the Rules of Procedure; however, with the change in Planning Staff's attention, she is afraid that this may be deferred for a bit. She is sure that they have quite enough to do without this and that it is not an urgent issue. They will try to bring something back before the end of the year at maybe the December meeting to see where we are.

Mrs. Denney stated that she thinks what has been put on paper so far looks really great, but she agrees. She thinks with all of the changes that have occurred recently within the Department, she thinks people have plates that are very full right now and there really doesn't seem to be an urgency. We don't want to just hurry to get it done and then miss out on something. But she does think it's coming along very well, although she hasn't really had any participation in it. She thinks it's wonderful, but she agrees that they should just hold off a little bit.

Meeting adjourned at 9:21 PM.

Sincerely,

Kristen Mullaney
Secretary