

**CITY OF DOVER PLANNING COMMISSION
DECEMBER 16, 2024**

The Meeting of the City of Dover Planning Commission was held on Monday, December 16, 2024, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chair Mr. Witham presiding. Members present were Mr. Michael Lewis, Mrs. Denney, Mrs. Maucher, Mr. Baldwin, Mrs. Welsh, and Mr. Witham. Mr. Roach, Dr. Jones, and Mr. Reaves were absent.

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

APPROVAL OF AGENDA

Mrs. Maucher moved to approve the Agenda as submitted, seconded by Mr. Baldwin and the motion was carried 6-0 with Mr. Roach, Dr. Jones and Mr. Reaves absent.

APPROVAL OF MEETING MINUTES OF SESSION #1 OF NOVEMBER 18, 2024

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of Session #1 of November 18, 2024, seconded by Mrs. Maucher and the motion was carried 6-0 with Mr. Roach, Dr. Jones and Mr. Reaves absent.

APPROVAL OF MEETING MINUTES OF SESSION #2 OF NOVEMBER 18, 2024

Mrs. Maucher moved to approve the Planning Commission Meeting Minutes of Session #2 of November 18, 2024, seconded by Mrs. Welsh and the motion was carried 6-0 with Mr. Roach, Dr. Jones, and Mr. Reaves absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Tuesday, January 21, 2025. That is a Tuesday evening because Monday is a holiday. We do have an application that should be coming to you for that meeting so please put that on your calendar.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on November 25 & 26, 2024 and December 9 & 10, 2024.

Mrs. Melson-Williams stated that for the Department of Planning and Inspections updates, included in your packet is the Schedule of Deadlines and Meetings for 2025 for the Planning Commission. This sets our deadlines as the first Friday of each month and the Planning Commission Meetings continue to be the third Monday of the month unless that Monday happens to be a holiday and then things are adjusted from there. You can utilize this to update your calendars and we'll have one final check on meeting dates, then we will confirm this. She already sees one that will change because of action of Council related to their April meeting timeframe. We will update this and be ready to utilize it for all of our upcoming deadlines in the next year.

Mrs. Melson-Williams stated that the last item on Communications and Reports is the Education

and Training Opportunities. They included in the packet, a Workshop that was actually held last week on December 12, 2024. The “Advanced Land Use Law Workshop” was presented by the University of Delaware’s Institute for Public Administration. As we move into calendar year 2025, they will begin their series of Planning related education opportunities and Staff will certainly get those to you. This one kind of snuck up on us. She doesn’t think they had pushed information on it before our last meeting and then unless you are a diligent person and delved right into your packet, you may not have seen it until after the fact. Just keep an eye out that there will be some opportunities there and they do have some training monies where you can attend those workshop sessions.

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:

SB-23-03 Revised Stonebrook East Planned Neighborhood Design at McKee Road and W. Denneys Road - Request for an Extension of the Planning Commission conditional approval granted December 18, 2023 and extension granted May 20, 2024 for the Revised Subdivision Plan to increase the number of townhouses from 87 to 103 townhouses (increase of 16 townhouse units) and to decrease the number of garden apartment units from 168 to 138 garden apartment units (decrease of 30 units). This development known as Stonebrook East Planned Neighborhood Design (PND) proposes 241 dwelling units, recreational areas, open space, and stormwater management areas. The conditional approval included PND- Alternative Design Standards. The property is zoned RM-1 (Medium Density Residential Zone) and approved as a PND (Planned Neighborhood Design Option). The site is on the northeast corner of McKee Road and W. Denneys Road. Property Address: intersection of McKee Road and West Denneys Road. Property Owners: Hanae Harmony Properties and Stonebrook East 168 LLC. Tax Parcels: ED-05-057.03-01-01.00-000 to ED-05-057.03-01-92.00-000. Council District 1.

Representative: None (Letter of Request only)

Mrs. Melson-Williams stated that as noted, this is SB-23-03 Revised Stonebrook East Planned Neighborhood Design at McKee Road and W. Denneys Road. It was a Revised Subdivision Plan as part of that neighborhood. You originally saw it in December of last year and with a Subdivision Plan. They are good for an initial period of six (6) months. This application had to seek an Extension which was granted in May 2024 which brings us to tonight. They are seeking an additional six (6) month extension regarding this project. They submitted a letter detailing what they have been working on. It appears that they had to redo some of the stormwater management plans and designs for the project which is the principal reason of why they are asking for an Extension. The Revised Plan actually made some changes to the number of townhouse units with this project but the overall concept for townhouse and apartment units does remain the same from its initial design a number of years ago. She doesn’t see a representative of the application here but we do have their letter of submission making their request.

Mrs. Maucher moved to approve SB-23-03 Revised Stonebrook East Planned Neighborhood Design at McKee Road and W. Denneys Road for a six-month Extension, seconded by Mrs. Welsh and the motion was carried 6-0 by roll call vote with Mr. Roach, Dr. Jones, and Mr. Reaves absent. Mrs. Maucher voting yes. Mr. Baldwin voting yes. Mrs. Welsh voting yes. Mr. Lewis voting yes. Mrs. Denney voting yes; she thinks an extension is appropriate for this. Mr. Witham voting yes; the letter submitted with the request is appropriate.

S-22-14 Commerce Way Dover DE LLC Warehouse on Commerce Way – Request for Extension of the Planning Commission conditional approval granted on December 19, 2022 for a Site Development Plan to permit construction of a 234,000 SF +/- warehouse and associated site improvements on Commerce Way. The property is zoned IPM (Industrial Park Manufacturing Zone). The property is located on the northwest side of Commerce Way, north of W. North Street. The owner of record is H & M Properties, LLC. The Equitable Owner is Commerce Way Dover DE, LLC. Property Address: 22.967-acre unaddressed parcel on Commerce Way. Tax Parcel: ED-05-076.10-02-07.03-000. Council District 1. PLUS #2022-09-05. *Approved Waiver Requests: Partial Elimination of the Fence Component of the Opaque Barrier; and Approved Performance Standards Review.*

Representative: Ms. Courtney England, Mondari Properties

Mrs. Melson-Williams stated that this Application S-22-14 is a Site Development Plan that the Commission saw in December 2022. Joining us online is Courtney England of the Mondari Properties. The Planning Commission, after you reviewed and granted that series of waiver requests and conditional approval to the Site Plan, that approval was initially good for a period of two years which brings us to December 2024. The Planning Office and others did complete the review process on the Plan and the Plan achieved Final Site Plan approval in April 2024. At this point, they have not moved to construction which is one of the components of the approval process. They are requesting by this letter a one-year Extension which would carry the approval through December 2025. The property ownership entity is working with potential tenants and is hoping to have them onboard before commencing construction. This is a very large warehouse project off of Commerce Way in the northwest corner of Commerce Way in the Enterprise Business Park.

Ms. England stated that she is here for any questions tonight.

Mr. Witham asked where they are in the process with respect to potential tenants. Responding to Mr. Witham, Ms. England stated that they recently partnered with Cushman Wakefield and they are speaking with several tenants but as she is sure you are aware, these conversations can take quite a bit of time. As Mrs. Melson-Williams mentioned, given the size of the warehouse, they would prefer to secure a tenant or two prior to starting construction. The conversations are underway but it's that stage of talking to tenants that continues on.

Mrs. Maucher moved to approve S-22-14 Commerce Way Dover DE LLC Warehouse on Commerce Way a one-year Extension as she thinks it is a wise decision to secure a tenant before building, seconded by Mrs. Denney and the motion was carried 6-0 by roll call vote with Mr.

Roach, Dr. Jones, and Mr. Reaves absent. Mrs. Maucher voting yes. Mr. Baldwin voting yes. Mrs. Welsh voting yes. Mr. Lewis voting yes. Mrs. Denney voting yes. Mr. Witham voting yes.

NEW APPLICATIONS

Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road: Rezoning C-PO to IO - Public Hearing and Review for Recommendation to City Council on a Rezoning application for a parcel of land consisting of 1.2302 acres +/- . The property is zoned C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning for the property is IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the west side of McKee Road and north of the intersection of McKee Road and College Road. The owner of record is PAM Cubed Real Estate, LLC. Property Address: 1216 McKee Road. Tax Parcel: ED-05-067.00-01-34.00-000. Council District 1. Ordinance #2024-31. *The First Reading of the Proposed Ordinance was completed on November 25, 2024 and Public Hearings were scheduled for Planning Commission on December 16, 2024 and City Council on January 13, 2025.*

Representative: Mr. Mike Riemann, Becker Morgan Group

Mrs. Melson-Williams stated that this a Rezoning Request. The Planning Commission will be making a recommendation regarding this Request. The property shown on the screen in yellow is just to the northwest of the intersection of McKee Road and College Road. The property is addressed as 1216 McKee Road. It is currently zoned CPO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). They have made a Request for Rezoning to IO (Institutional and Office Zone) with it remaining subject to the COZ-1 (Corridor Overlay Zone). As this is an Ordinance, the Planning Commission will be conducting their public hearing and making a Recommendation regarding the Rezoning. It then moves onto City Council for their own public hearing and final action on the Rezoning Request. The Report details what the allowable uses and zoning requirements of the IO (Institutional and Office Zone) and COZ-1 (Corridor Overlay Zone) zoning districts are. The *Comprehensive Plan* places this in a Land Use Category of Office. The recommendation from the Planning Staff is a recommendation for approval for Rezoning of the property. They note that the IO (Institutional and Office Zone), while it's commercial in nature it does allow for a number of institutional type buildings and the property owner has a future plan related to institutional expansion in that area. Their submission also included a location diagram of the property itself. Staff is recommending that it be rezoned to IO (Institutional and Office Zone) finding that it's consistent with *the Comprehensive Plan* and the goals of the Plan related to that Land Use Category. They are also recommending that the property remain subject to the COZ-1 (Corridor Overlay Zone) because of the frontage that it has on McKee Road. In the interest of time, she knows the applicant has a more detailed presentation so she will let them run through that.

Mr. Riemann stated that he wanted to highlight a little more detail on top of what Mrs. Melson-Williams has already mentioned. The subject site is located on McKee Road just north of the intersection with College Road. It is a 1.23-acre parcel that their client has recently purchased. They have owned it for the last couple of years and it is associated with the PAM Rehabilitation Facility that is located directly to the north. They are here tonight requesting a Rezoning from

CPO (Commercial and Professional Office Zone) to IO (Institutional and Office Zone) and they are okay with this remaining within the COZ-1 (Corridor Overlay Zone) as well. The Code outlines the criteria as it relates to Rezoning, which he knows the Commission is very familiar with, but basically there are three criteria that they must demonstrate that they meet. First, is whether or not adequate services and infrastructure exist or can be created to support the zoning change; then whether the uses permitted by the proposed change would be compatible with existing uses and zones in the area, and whether or not the proposed zoning is in compliance with the City of Dover proposed *Comprehensive Plan*. As it relates to each of these points, they believe this Rezoning application does meet these three criteria specifically as it relates to adequate public facilities. The project would be served by City of Dover sewer, water, and electric. There is already sewer and water serving the adjacent facility which this Rezoning will help for that facility to expand. That is the purpose of this Rezoning so that this facility can expand and serve the health care needs of the community. There is already an existing access as well onto McKee Road for that project. Secondly, whether or not the use is permitted by the proposed change would be compatible. The IO (Institutional and Office Zone) is a permitted zone in the Office and Office Park Land Development Matrix which he will get to in a minute as part of the *Comprehensive Plan*. It is located along McKee Road. There are number of other Institutional zones in the area which we will show on the next slide and a number of other compatible commercial and institutional uses in the area. Lastly, is whether or not the proposed application is in compliance with the *Comprehensive Plan*. The 2019 *Comprehensive Plan* calls for this area to be designated as Office and Office Park; and IO (Institutional and Office Zone) is a zone that is permitted within that designation. The next slide shows the arrows pointing to the subject parcel. The light blue color is IO (Institutional and Office Zone) and you can see that IO (Institutional and Office Zone) is in the vicinity of the project which is directly to our north. That is the existing zone of the existing PAM Facility and then to our south we have C-2A (Limited Central Commercial Zone) as well. We do believe that the zoning is compatible with the zoning in the area. As it relates to the *Comprehensive Plan*, one of the goals of the *Comprehensive Plan* is to maintain and improve the City's position as a center of government, education, and medicine through the support of existing institutions and encourage well-designed campuses that are integrated into community and have room to expand. That's exactly what this Application is about. This is about the PAM Facility; they essentially need to expand to add beds to serve that community and that is why they need to do this Rezoning. That is why they purchased this piece of property. They believe that this Rezoning Request does exactly that. The next slide shows a snippet from the *Comprehensive Plan*. As you know, the *Comprehensive Plan* defines various areas for development and uses. This is the Office and Office Park portion of the *Comprehensive Plan*. As you can see on the right side, those are the various zoning districts that are compatible with Office and Office Park; and you can see IO (Institutional and Office Zone) is listed as one of those permitted zonings. The next slide lists the different uses that are permitted with the IO (Institutional and Office Zone) for your reference. With that, the project did go through DAC. Of course, as part of that process, you hear back from other relevant agencies such as Kent Conservation District, DelDOT, the Fire Marshal, etc. All agencies had no objection to this particular Zoning Request. With that, they believe that they do meet the three criteria outlined in the Code. They do believe that this is consistent with the *Comprehensive Plan* and he would be happy to answer any questions.

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

hearing.

Mrs. Denney stated that they have from time to time, as they look at different things that might occur in the area of McKee Road and College Road, are reminded by residents locally with regard to the already challenged traffic that exists. As things improve and things happen, DelDOT becomes involved, but they tend to not become involved at this level. She just wanted to remind us all. Especially Mr. Reaves, at some point he has always had some concern about things in that area. She doesn't take it often but occasionally she does, and he makes a point. Responding to Mrs. Denney, Mr. Witham stated that obviously with any development you are going to have an impact on local roads as well. He recognizes the issue that you just raised but he is not sure how they can address it. It is always going to be an issue.

Mrs. Denney stated exactly, nor does she have a suggestion. Again, what tends to happen in a situation like this is if DelDOT needs to become involved at some point they will, but right now that's not the case for them. They are not going to do a Traffic Study for this.

Mrs. Welsh stated that she will comment just because of the traffic issue. She is on the road three or four times a day. She recalls that traffic was an issue when the original PAM Building was under review. While traffic does tend to get busy at different times and at different stages and different seasons, she says having traveled that road at least three times a day for the last ten (10) years, it might be a little bit busy but it has not appreciably increased over what it used to be. Her thought is that if it's a similar use that she thinks with DelDOT's cooperation, the traffic can be addressed. Responding to Mrs. Welsh, Mr. Witham stated that he would agree. Of course, we would have to speculate on what the impact was going to be but obviously that particular road is a corridor that directly connects onto Route 1. So, it's obviously utilized by a lot of people not just from the PAM Facility but other businesses out there as well.

Mrs. Welsh stated that she will make a further comment on what Mr. Witham just said. The traffic is backed up from McKee Road to Division Street a lot. It is just bumper to bumper at certain times of the day and it's been bumper to bumper for a few years like that. So, she hopes that DelDOT will jump in and address issues but unless you add 3,000 beds there, she is not sure that she can imagine that there would be detrimental impact on traffic other than what the normal growth of the City would generate.

Mr. Riemann stated that they are adding twelve (12) beds. When they come in for the Site Plan Application, keep in mind that the Site Plan for this will come back to this body, that will be the time that they go through DelDOT with the details on entrance access and all of those things as part of that process. It's not currently as part of the Rezoning. He knows that some other projects in the area, he believes, are contributing to some intersection improvements at McKee Road and College Road. So, there are plans to do some work there from other projects in the area that are contributing. He thought that might be helpful.

Mrs. Welsh moved to recommend approval to City Council for application Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road: Rezoning C-PO to IO.

Mrs. Maucher asked to make a friendly amendment before seconding the motion. She wants to

add that it remains subject to the COZ-1 (Corridor Overlay Zone). Responding to Mrs. Maucher, Mrs. Welsh stated that she agreed.

Mrs. Welsh moved to recommend approval to City Council for application Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road: Rezoning C-PO to IO with the property to remain subject to the COZ-1 (Corridor Overlay Zone), seconded by Mrs. Maucher and the motion was carried 6-0 by roll call vote with Mr. Roach, Dr. Jones, and Mr. Reaves absent. Mrs. Welsh voting yes; the presentation was well presented. Becker Morgan always does a great job and it is apparently a needed addition to the PAM Center and should be a good improvement and something that the community needs. Mr. Lewis voting yes. Mrs. Denney voting yes; she definitely thinks that the extra beds are needed. Mrs. Maucher voting yes; the Rezoning meets the criteria outlined in that the new zoning is compatible with existing land uses, there is sufficient infrastructure to service the new property, and that it's consistent with the Comprehensive Plan. Mr. Baldwin voting yes; based on Staff recommendation. Mr. Witham voting yes; for the reasons set forth on the record by the Commissioners and Staff.

S-24-20 Office Building of Ditko Properties, LLC at 1107 S. Bradford Street – Public Hearing and Review of Site Development Plan for construction of 2,140 SF one story Office Building on the parcel of land totaling 11,326 SF (0.26 +/- acres). The zoning is C-2A (Limited Central Commercial Zone). The property is located on the east side of S. Bradford Street approximately 135.37 ft south of Wyoming Avenue. The owner is Ditko Properties, LLC. Property Address: 1107 S. Bradford Street, Dover DE. Tax Parcel: ED-05-077.17-07-27.00-000. Council District 2. *Waiver Requests: Partial Elimination of Upright Curbing and Elimination of Street Frontage Sidewalk. This property was the subject of Annexation Application AX-22-02 and annexed into the City on December 12, 2022.*

Representative: Mr. Kevin Minnich, Minnich Engineering; Dr. Douglas Ditty; Ditko Properties, LLC

Mrs. Melson-Williams stated that this is a Site Development Plan Application for the property at 1107 S. Bradford Street. The property is zoned C-2A (Limited Central Commercial Zone). It was annexed into the City of Dover in 2022. It previously had a single family detached house on the lot. It is now vacant after that house having been demolished. What is brought to us this evening is a proposal for a small office building just over 2,100 SF and one-story in size. The zoning of C-2A (Limited Central Commercial Zone) does allow for office use. The packet included the architecture for this building and it is a one-story building. The front of the building actually is the north side of the building. There is a proposal for a sidewalk springing from the street to that front door area of the building. To the rear of the building is where we find a small parking lot which is accessed from S. Bradford Street. This Application makes two Waiver Requests. One is related to the Partial Elimination of Curbing associated with that parking lot area. That is a Waiver that Planning Staff has granted approval to finding that the Elimination of Upright Curbing in select areas is related to drainage plans that are anticipated for the project site. The second Waiver Request is related to the Partial Elimination of Sidewalk; and this is for the sidewalk that would be on the street frontage of S. Bradford Street. The applicant is providing the on-site sidewalk network to move from the street and/or parking areas to the building front. As part of the Development Advisory Committee Report, they provided some summary notes on

the application itself. They noted the Planning Staff's approval of the Elimination of Upright Curbing. And then the Staff recommendation on the Partial Elimination of the Frontage Sidewalk. Planning Staff is not recommending approval of that Waiver seeking; we feel that this is an opportunity to go ahead and make that construction of the street frontage sidewalk happen on this segment of Bradford Street. They do realize they do not have those street frontage sidewalks and it is not quite to City street standards that they expect today. But this is an opportunity for development. The additional portions of the Development Advisory Committee Report include the comments from the other regulatory agencies and she would enter those by reference. They do have the applicant's representative here tonight both in their project engineer and their project architect Mr. Brian Cusick is online if there are questions for him. The property owner's representative is here as well.

Mr. Minnich stated that they are in receipt of all of the DAC comments and are in agreement with all of the comments. There are a couple of revisions on there for the plans themselves which are minor. And like Mrs. Melson-Williams mentioned, they do have two Waivers that they are asking for. One is the Partial Elimination of Upright Curbing and the Elimination of the frontage Sidewalk. Originally, he had the frontage sidewalk shown on the plan, but they decided to take it off after talking to Dr. Ditty on that. One of the reasons why he did it was because there was already a shoulder out there. Within that lot and the next two or three lots down, there is a shoulder where they park off of the actual roadway. That's why he kind of took that off of there. He knows Dr. Ditty would probably like to talk about the elimination of that sidewalk.

Mrs. Maucher stated that she doesn't think there is any existing sidewalk on either side. Responding to Mrs. Maucher, Mr. Minnich stated that the sidewalk stops at Wyoming Avenue right at the returns. As you come in onto S. Bradford Street, it stops and ends right there.

Mrs. Denney stated that the sidewalk issue often comes up. At one point, she was the Town Manager for Camden and she is also on the Board of Adjustment for Kent County. These Requests for Waivers often appear but the best way to grow the sidewalks and make it safer for pedestrian traffic is as the properties are developed to incorporate the development of the sidewalk as you move along. She tends to like to see that happen in that way and she has never been a fan of waving it. Again, to her, pedestrian safety is of great importance.

Mr. Witham stated that he is sure you understand that the policy of the City is to support sidewalk construction through the City. Responding to Mr. Witham, Mr. Minnich stated that he is fully aware.

Dr. Ditty stated that he owns First State Oral Surgery on the corner of Wyoming Avenue and State Street. They are looking to expand our practice to accommodate this area. They need to bring in more oral surgeons. They currently have one slated to come in June and they are trying to decide where to put them. The options are Rehoboth, Seaford, or Dover. They feel, in general, that Dover needs our help. There are not a lot of us around here. They are building this building so that they can get our insurance department out of our office and accommodate another oral surgeon. Where he is going with this is that they want to say to the Commission that they have always tried to be very cooperative with the City and building structures that look beautiful and fit the architecture of the City. He is not going to push back very hard on the sidewalk. He can't

begin to understand all of the things and all of the overview and long-terms goals that you have. He will say that the area of Bradford Street where we are locating this building is a dead-end street. None of you have walked on this street. This is not a street that people are walking on. This is a quiet little street. Our building is going to be isolated. There is no sidewalk on the very large parking lot next to this lot and there is no sidewalk on the other side. There is already no contiguous sidewalk on either side of it which is one of the reasons why he thought they could hopefully get a Waiver. Also, he can't imagine that this sidewalk is going to generate more walkable space in the City of Dover. Also, let's be honest, this project is getting expensive for us. They are building a brand-new building in Rehoboth, DE and they did a lot of things for improvements in the City of Dover when they built their building on Wyoming Avenue and State Street such as crosswalks and all types of things. We cooperated with anything that you have ever wanted and they will continue to do so. This is just one of the things from his standpoint that doesn't seem to make sense and would make a big difference for them when it comes to building this building.

Mrs. Denney asked if this building was going to be primarily a billing center as opposed to a practice where you will have an orthodontist and patients. Responding to Mrs. Denney, Dr. Ditty stated that there is no patient care in this building. They are leaving the building versatile for its use. Managers will probably be in there and maybe some doctor offices. Right now, the plan is for our insurance department to start working out of this building. Again, if you look at the architecture, he thinks they have designed a very nice-looking building for our administrative staff.

Mrs. Denney stated that the building represents you well and it is beautiful. She was just wondering with regard to the sidewalk if it's primarily just going to be office with billing and people aren't coming and going from it. Responding to Mrs. Denney, Dr. Ditty stated no.

Mr. Witham stated that he notes for the applicant that the Planning Office has already approved the Elimination of the Upright Curbing.

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

Mrs. Maucher stated that there are several residential homes along that street. And is the zoning residential? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that for the block that we are talking about on S. Bradford Street, the two adjoining parcels that are on the same side of the street where this property is are actually located in Kent County and have single family residences there. The other property where the Solid Waste Authority would be was previously located across the street and a little further to the south is zoned RGO (General Residence and Office Zone). There is a series of lots that would be the lower left corner of this plan image that are vacant lots that front of Wyoming Avenue. She believes they are CPO (Commercial Professional Office Zone). So, we have got a mix of zoning in general in this area. There is commercial with office type uses with some limited residential zoning.

Mr. Witham asked if any of these adjoining lots or the lot itself in question abut up against any County land. Responding to Mr. Witham, Mrs. Melson-Williams stated that the subject site is

within the City. If you are looking at the two parcels to the south, they are located within the County and then one to the east where the Melvin Sunoco motor vehicle services is also in the County. The property adjoins to the north and to the northeast with lands that are also owned by the same ownership group and those are within the City.

Mr. Witham asked if we know whether or not any of those lots have sidewalks. Responding to Mr. Witham, Mrs. Melson-Williams stated that none of the properties along S. Bradford Street have sidewalks along their frontage. There are some rolled curb areas but no sidewalks. The extent of that (ok sidewalks) in this area would be along the Wyoming Avenue frontage of properties.

Mrs. Maucher moved to approve S-24-20 Office Building of Ditko Properties, LLC at 1107 S. Bradford Street inclusive of the Elimination of Sidewalk Waiver. That seems to be almost an alley type street and not a regular City street. It does dead-end at two businesses. She has problems with sidewalks to nowhere and the likelihood of development of other sidewalks in that area doesn't seem high. She walks up Wyoming Avenue quite regularly and she never goes down that section. She also noted that the Partial Elimination of Upright Curbing (Waiver) has already been approved by Planning Staff. The motion was seconded by Mrs. Denney and the motion was carried 6-0 by roll call vote with Mr. Roach, Dr. Jones and Mr. Reaves absent. Mrs. Maucher voting yes; based on reasons stated in her motion and she thinks it's a good use of the property and encourages more services in the Dover area. Mr. Baldwin voting yes; based on previous statements. Mrs. Welsh voting yes; in conjunction with the comments in the motion. Mr. Lewis voting yes; for reasons previously stated. He was convinced by the applicant's statement and it all made sense to him. Mrs. Denney voting yes; she thinks it's a perfect use to put those buildings right by each other. Again, in keeping with what has been done by Dr. Ditty, she thinks it will be an asset and is needed. Mr. Witham voting yes; this application meets the conditions in spirit of the Zoning Ordinance and the use of the property is appropriate. It does appear to him that there will be a low level of traffic to this place to begin with so there will be less of a need for the sidewalk for the premises. He thinks it is supported by the record.

MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street – Public Hearing and Review for Recommendation to City Council on a Request for Abandonment of a portion of the improved alley, located between South Governors Avenue and South Bradford Street and extending approximately 132 feet north of the Minor Street Alley, consisting of 1,550 square feet in area. The portion of the alley to be abandoned is adjacent to the properties located at 133 S. Governors Avenue, 139 S. Governors Avenue, 145 S. Governors Avenue, 136 S. Bradford Street, 148 S. Bradford Street, and 150 S. Bradford Street, Dover DE.

Representatives: Mr. Mike Riemann, Becker Morgan Group; Ms. Diane Laird, Downtown Dover Partnership; Mr. JD Bartlett, EDiS Company

Mrs. Melson-Williams stated that this is a Request of Alley Abandonment. It's not your typical application to the Planning Commission; however, you are called upon to participate in the process for consideration of Alley Abandonments. You can see in the image on the screen; we are located between S. Bradford Street and S. Governors Avenue to the north of Loockerman Street and to the north of the Minor Street Alley. We are talking about an area that springs north

from the Minor Street Alley. On the image on the screen, it is a shaded hatched area that shows. There are a series of six parcels that are either adjacent to or the alley actually crosses the property itself. They have done some of the deed research and some of the alley portions here are located specifically in the right-of-way but in other instances, it traverses parts of the adjacent parcels. She will list those adjacent parcels that are adjacent to this alley segment. They are specifically moving from left to right and top to bottom. 133 S. Governors Avenue referenced as owned by the Downtown Dover Development Corporation and we now know that as the Downtown Dover Partnership. The property at 139 S. Governors Avenue, again, referenced with the Downtown Dover Development Corporation and the Dover Parking Authority now recognized as the Downtown Dover Partnership. The property at 145 S. Governors Avenue is actually owned by the City of Dover. Moving over to the eastern side, again, from the top to the bottom. The property at 136 S. Bradford Street is owned by the City of Dover. The property at 148 S. Bradford Street is now owned by the Capital City Transformation Alliance Inc. and then the property at 150 S. Bradford Street is currently or soon to be formally owned by CEI Properties LLC. The applicants making the request collectively were the Downtown Dover Partnership. The Request for Alley Abandonment moves through the review process with the Development Advisory Committee for some initial comments and review. The Planning Commission takes a look at the Alley Abandonment Request and provides a Recommendation. That Recommendation will be forwarded to City Council and its appropriate City Council Committees who will have their own consideration of this Request moving into the new year. The Alley Abandonment is brought forth because these properties are to be involved in a project known as the Dover Mobility Center Garage. It is a parking garage project which will eventually come before this body but right now we are just dealing with the Alley Abandonment. The image on the screen shows that for the most part, we've got a series of parcels that are functioning as surface parking lot areas. There are two properties that currently have buildings but their demolitions were authorized by other Applications already considered. The Alley Abandonment, again, is located in the middle and as noted, some of it is right of way and some of it just crosses some of the properties including some that are City owned. It is also noted that a couple of these properties, as she mentioned, are owned by the City of Dover. The City Manager's Office under separate proceedings has been working with City Council to transfer some of this land ownership in the City of Dover to the Downtown Dover Partnership and associated entities for this redevelopment project. So, you are not really considering that issue at the moment but the alley is a separate matter per our Charter and Code. This redevelopment project is identified as a priority project in the *Transforming Downtown Dover: Capital City 2030 Plan*. The Planning Staff is recommending that the Alley Abandonment happen because it is part of those longer-term efforts to revitalize Downtown Dover. They do note and recognize that appropriate planning is going to have to occur related to utility infrastructure that may be located in this alley segment here. There actually is a fairly substantial water line that they have already been in discussion with the City's Department of Water/Wastewater in regards to. Tonight, the Planning Commission is charged with conducting your own public hearing and making a recommendation on this Alley Abandonment Request which will then be forwarded to the Utility Committee and City Council.

Mr. Witham stated that the assumption that he has here and the assumption that he thinks that they need to understand is that there are six different addresses and six different tax parcel numbers some of which are owned by different entities other than the Downtown Dover

Partnership. The assumption that he has here is that all of these entities have an agreement to the development of these six parcels. Responding to Mr. Witham, Mrs. Melson-Williams stated that the short answer to that is yes, there is a collective effort. Even as part of this request for Alley Abandonment, the City Clerk's Office was required to reach out to each of those involved parcel owners to gage their participation in this Alley Abandonment process. The short answer is, she believes that all of the property owners are well aware of this request that is being made this evening.

Mr. Witham stated that some of these parcels were subject by this Commission for a Request for Demolition which was considered earlier. Responding to Mr. Witham, Mrs. Melson-Williams stated yes, there are two properties.

Mr. Riemann stated that Mrs. Melson-Williams has done an excellent job of summarizing the Application. He asked Mrs. Melson-Williams to zoom in on the easement itself so you can get a little better of a look about what's actually on the ground versus the black and white. The area in question is this hatched area in the middle that's got this yellow cross hatch. It's actually in an easement; so, it's not a separate deeded right of way. It is actually an easement of about 1,500 SF that is on the six parcels in question that were referenced. The Downtown Dover Partnership either owns, has already acquired, or is contracted to purchase all of the parcels in question. They have settled on one of the parcels there and are going to settlement on Wednesday on the last parcel. They will own and have them under their control, all of these particular properties. The alley, at this point, really is no longer needed. It doesn't really serve a purpose with the parking lot in its current configuration. It certainly would impact the future Mobility Hub that is planned to go there that will come before this Commission soon in another Site Plan Application. This was really the first step to get through that process that needed to be accomplished first; so, we are going through this process now. As part of any application, this was sent to all of the same agencies as part of the Development Advisory Committee. They received no objections from all of the other agencies. They were all supportive of this Request as has been the Staff. The only item of mention that Mrs. Melson-Williams mentioned was a water line that exists. They have already met with Public Works on that and there will be a plan to relocate that waterline outside of that which would happen as part of that Mobility hub project anyway. So that is not an issue and will be solved as part of this project. We are asking for the Commission's support.

Mrs. Denney stated that when she is looking at the parking and realizing that the intent is for a parking garage building for which she is certain there should be a charge because she understands that it might be Colonial and they would certainly charge. She actually volunteered for many years at Catholic Charities that used to be in one of the buildings on Loockerman Street. They utilized the parking behind it as did employees from the accountant and the bridal shop. She can't remember what all was down there, but they had access to free parking. It is especially important in Catholic Charities because people are volunteering their time and the majority of clients that come in there really can't afford to park. But at any rate, that said, at this point in this design there will be no free parking because Loockerman Street is not going to have parking on the street. So, there will be no free available parking for somebody who just wants to go and do something with their EZ Pass. Does everybody have to park in the garage and pay? Responding to Mrs. Denney, Mr. Riemann stated that the Application that is before us tonight is not the parking garage. It is the Alley Abandonment and so he thinks that would be more

appropriately addressed at the time that we come before you with the parking garage application.

Mrs. Denney stated that the Alley Abandonment is a step towards a final result which would include elimination of the free parking as her understanding. Responding to Mrs. Denney, Mr. Riemann stated that he is honestly not prepared to answer that particular question this evening. The Alley that is in question that they are proposing to abandon is no longer needed given the configuration of the parcels and the ownership of the parcels being a singular owner at this time. There is access to the parcels currently from both sides, S. Governors Avenue and Bradford Street; so, the Alley itself is no longer needed. There is no purpose for the Alley any further.

Mrs. Maucher stated that she used to work on State Street. Does this Alley continue further north? Responding to Mrs. Maucher, Mr. Riemann stated it does but it terminates at the fire station. It doesn't go all the way out.

Mrs. Maucher stated that the elimination of that section of the Alley is going to have limited impact on properties. She used to work on State Street and utilized the alley to get to the parking behind her building on State Street. With that elimination, are there properties that would be affected to the north? Responding to Mrs. Maucher, Mr. Riemann stated no, there really wouldn't be. They are only eliminating the portion from Minor Street up. The Alley does continue behind Harry Louie's, but it terminates at the fire station.

Mrs. Melson-Williams stated that if we scan back out on the plan shown on the screen.

Mrs. Maucher asked if the Alley came out to Reed Street. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the Alley does not. You would run into the back side of the Fire Department's building before that would happen; it kind of melds into those adjacent parking lot areas to the north at the top of the page.

Mr. Witham stated that he thinks it is safe to say that once all of the parcels are owned by one entity, not only will the Alley not exist on paper, it will not physically exist because it will be gone. Responding to Mr. Witham, Mr. Riemann stated correct and all of the parcels would be combined into one.

Mr. Witham further stated that there would be no need of an alley, period. Responding to Mr. Witham, Mr. Riemann stated correct.

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

Mrs. Maucher moved to recommend approval to City Council for MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street. With the upcoming project, it's pretty much necessary.

Mr. Witham asked if Mrs. Maucher would entertain an amendment to note that the Planning Commission recommends that once the full integration of the alley is accomplished by deed into one entity the Abandonment would be affective. As of right now, they are still in the process of

combining those lots so there could be a limited need for the alleyway until they are all combined. Responding to Mr. Witham, Mrs. Maucher stated understood but it's a joint application of the individual property owners and they are jointly requesting Abandonment of their Alley.

Mr. Witham stated that it's a joint request in the sense that all of the individual property owners are a part of the Downtown Dover Partnership but that would be a legal document which is not before us. Responding to Mr. Witham, Mrs. Maucher stated the Amendment to the motion is accepted.

Mrs. Maucher moved to recommend approval to City Council for MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street. With the upcoming project, it's pretty much necessary. Once the full integration of the alley is accomplished by deed into one entity, the Abandonment would be effective, seconded by Mrs. Welsh and the motion was carried 6-0 by roll call vote with Mr. Roach, Dr. Jones and Mr. Reaves absent. Mrs. Maucher voting yes; based on Staff recommendation and reasons stated in the motion. Mr. Baldwin voting yes; based on Staff recommendation. Mrs. Welsh voting yes; for reasons previously stated. Mr. Lewis voting yes; for reasons previously stated. Mrs. Denney voting yes. Mr. Witham voting yes; based on Staff recommendation and the documents submitted to the Planning Commission and based upon the oral discussion before the Commission today.

NEW BUSINESS – no items

Meeting adjourned at 8:32 PM.

Sincerely,

Kristen Mullaney
Secretary