

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

The Meeting of the City of Dover Planning Commission was held on Tuesday, January 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 Mrs. Maucher presiding. Members present were Mr. Cooper, Mrs. Denney, Mr. Witham, Mr. Baldwin, Dr. Jones, Mr. Reaves, Mrs. Welsh (virtual), and Mrs. Maucher. Mr. Roach was absent.

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

**APPROVAL OF AGENDA**

*Mrs. Denney moved to approve the Agenda as submitted, seconded by Dr. Jones and the motion was carried 8-0 with Mr. Roach absent.*

**APPROVAL OF MEETING MINUTES OF DECEMBER 18, 2023**

*Mrs. Denney moved to approve the Planning Commission Meeting Minutes of December 18, 2023, seconded by Mr. Witham and the motion was unanimously carried 8-0 with Mr. Roach absent.*

**COMMUNICATIONS & REPORTS**

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Tuesday, February 20, 2024, at 7:00PM in the City Hall Council Chambers. It is a Tuesday night meeting because Monday is a holiday and City Offices are closed.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on January 8 & 9, 2024. This included City Council's action to appoint Mr. William Witham Jr. to serve on the Planning Commission (Second District, for a term through June 2024).

Mrs. Melson-Williams stated that they have their Summary Chart of 2023 Applications to give you a tally of what that calendar year ended up looking like. As you see in that chart, for 2023 there were a total of forty-four (44) applications involving the Planning Commission, Board of Adjustment, Historic District Commission, and other items that were administrative in review. That was up slightly from forty-two (42) in calendar year 2022 and still slightly rebounding from what they had previously seen in 2021 and 2020. The next item that was in the packet was the Schedule of Deadlines and Meeting dates for 2024. For Planning Commission, your meetings remain on the third Monday of each month unless that third Monday happens to be holiday and then we move to Tuesday evening. The Schedule of Deadlines lays out the application deadline schedule and the meetings leading up to Planning Commission including our Development Advisory Committee and the meeting dates if City Council is involved in review of the application such as with Rezoning.

Mrs. Melson-Williams stated that included in the packet was a series of education and training opportunities for Planning Commission members. These are courses that are offered by the

University of Delaware Institute for Public Administration. There are three coming in the next couple of months, including one tomorrow on January 17, 2024 for “Planning 101: Planning Your Community’s Future.” That is an in-person one to be at the Kent County Levy Court Building. The next one is an “Introduction to Land Use Law” scheduled for February 7, 2024 and then an “Introduction to Land Use Administration” for February 21, 2024. The Planning Office does have training monies to assist Planning Commission members in attending these. If you are interested, please let Planning Staff know and we will get you registered to attend those events. Please take note whether they are in-person or virtual in making your decisions.

### **OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS**

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

### **OLD BUSINESS**

**Requests for Extensions of Planning Commission Approval:** None

### **NEW APPLICATIONS**

Z-23-02 Lands of Draper Farm Properties, LLC at 1617 Forrest Avenue - Public Hearing and Review for Recommendation to City Council of a Rezoning application for a parcel of land consisting of 5.04 acres. The property is zoned R-10 (One Family Residence Zone) subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-1A (Limited Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue and adjacent to Cranberry Run Drive. The owner of record is Draper Farm Properties LLC. Property Address: 1617 Forrest Avenue. Tax Parcel: ED-05-075.00-01-07.00-000. Council District 1. Ordinance #2023-12

**Representative:** Mr. Jonathan Street, Becker Morgan Group; Mr. John Paradee, Baird, Mandalas & Brockstedt

Mrs. Melson-Williams stated that this is a Rezoning request for the Lands of Draper Farm Properties, LLC located at 1617 Forrest Avenue. It is a request to Rezone from R-10 (One Family Residence Zone) and COZ-1 (Corridor Overlay Zone) to a proposed zoning classification of C-1A (Limited Commercial Zone) and remaining subject to the COZ-1 (Corridor Overlay Zone). This is just over five acres of land located on the north side of Forrest Avenue. It is shown in the image on the screen in the solid blue color. The areas that are highlighted and outlined in blue on that image, are the areas of public notice that fall within that 200 hundred feet mailing requirement. Additionally, public notice is achieved by a bright yellow sign that is physically posted on the property and a legal ad posted in the local newspaper. All three items of public notice were completed. With this property, as noted, it is an existing parcel land. It is predominantly vacant. There was a previous residence that was demolished and there are several associated agricultural outbuildings that may remain on the property at this point. This location may look familiar to some as it was a previous Rezoning request in 2021 to rezone it to C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). Ultimately, that Rezoning application was unsuccessful. Tonight, we have a new application that

is seeking to rezone to C-1A (Limited Commercial Zone). The *Comprehensive Plan* for this location identifies in the Land Development Plan that the property has a land use category of Mixed Use. Our Report outlines some of the information about Mixed Use strategies in the city in the *Comprehensive Plan*. It is noted that the Mixed Use land use category does have C-1A (Limited Commercial Zone) as one of the zoning districts that it could be rezoned to. Specifically talking about the C-1A (Limited Commercial Zone), this is a zoning district that allows uses such as retail stores, personal service establishments, service establishments, restaurants, a variety of offices as well as residential uses such as one family residences, apartments, and multi-family dwellings. Through a Conditional Use process, drive-throughs may be considered. She does want to note very specifically that the C-1A (Limited Commercial Zone) zoning district prohibits the use of fuel pumps and motor vehicle storage, sales, or repairs. In the COZ-1 (Corridor Overlay Zone) for this property, that zoning classification is more related to design and development aspects for the property as it would require a series of architectural parking and landscaping guidelines to be implemented with any development on the property. With a Rezoning application such as this, the Planning Commission has to consider several factors when looking at the request which will amend the zoning map. Specifically, they have to make a recommendation and that is carried in a report to the City Council. They have to evaluate it based on the following factors: whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned; whether the adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand based on the change; and whether the proposed change is in accordance with the City's current *Comprehensive Plan*. As part of the Development Advisory Committee Report, the Planning Staff has made a recommendation in regards to this Rezoning request. Planning Staff is recommending approval of the Rezoning to C-1A (Limited Commercial Zone) while retaining that COZ-1 (Corridor Overlay Zone) provision. They make this finding noting that the zoning is consistent with the 2019 *Comprehensive Plan* and the Mixed Use land classification category it has. The C-2 (Central Commercial Zone) zoning district, we find is a mixed use zoning district and allows for commercial and residential land uses. They do recommend that the property remain subject to that COZ-1 (Corridor Overlay Zone) provision related to development activities. They recognize that this area of Forrest Avenue is a gateway into the City of Dover moving from more residential areas in the far west to increasingly commercial areas as it moves towards the central core of the City. The general area is residential in nature. There is the Dover High School Campus as well as apartment buildings of higher density residential within the general area. The property does have significant frontage on Forrest Avenue and then also frontage on Cranberry Run. There are sidewalks in the area. They note that with any Rezoning request, this does not lock it into any particular land use that is identified in the C-1A (Limited Commercial Zone). Any potential development of the site would be subject to separate review processes and implementation of the design requirements of the *Zoning Ordinance*. Additionally from the other reviewing agencies that participate in the Development Advisory Committee, they have no objections to this Rezoning from the departments of Public Works, Water/Wastewater, Electric, the Office of the Fire Marshal, DelDOT, and the Dover Kent County MPO. Each of these have identified no objection to the Rezoning and offer some advisory comments that should development happen in the future. There will be more requirements to come associated with that development review process.

Mr. Street stated that as usual, he can toss most of his presentation out because Staff has already gone through it, but he will pick up some highlights this evening. What they are proposing, as

shown before you on the screen, is the five acre piece almost directly across the street from the Dover High School located along Forrest Avenue on the west end of the City itself. The petition that they are requesting is to go from R-10 (One Family Residence Zone) to C-1A (Limited Commercial Zone) as well as the parcel remaining subject to the COZ-1 (Corridor Overlay Zone) regulations. As Staff outlined, the City has three criteria for a Rezoning. The first is whether or not there is adequate public facilities available to the parcel itself. The second would be whether or not a permitted use is compliant and/or acceptable with the surrounding parcels as far as uses in the zones. The third is whether or not it is in compliance with the *2019 Comprehensive Plan*. The first is whether or not the parcel has adequate public facilities. He would submit that the City has adequate water, sewer, electric, and he believes that there is also gas on Forrest Avenue. So, without any objection to Public Works, the public facilities are taken care of and are available for the site to use. The second two kind of go hand in hand. They are whether or not the uses are compatible with the surrounding areas and zones and whether or not it is in compliance with the *Comprehensive Plan*. Shown on the screen is a map of the proposed Land Development Plan within the *2019 Comprehensive Plan*. The subject parcel is shown in purple which identifies it as a Mixed Use parcel or Mixed Use land use in the *Comprehensive Plan*. This is a blow up of that map and on the left hand side is the purple rectangle of the five acre piece that is our parcel. He wants to try to explain what he is trying to convey with this image. If you start Downtown and you work your way west on Loockerman Street, you will come up to that purple area on the right hand side of the screen, that is where Division Street and Loockerman Street come together right about at the Booker T. Washington School. You are going to see along the Route 8 Corridor is both commercial and residential along that entire corridor. You will have commercial facing the corridor itself as you get to the McKee Road and Saulsbury Road area. You have CVS, Walgreens, Vincenzo's, the Food Lion/Gateway West Shopping Center that's got restaurants, retail, and a grocery store in it. As you move west, you have the Modern Maturity Center, Dunkin Donuts and then behind the Dunkin Donuts and behind the Modern Maturity Center you have Bicentennial Village, Woodmill Apartments in the Woodmill subdivision itself. As you move further west, you are going to run into Redners. With Redners, you've got a mixture of not only service establishments such as hair and nails, you've got a grocery store, offices. Then behind that is more residential along Dover Kenton Road as well as Bicentennial Village itself. On the south side of Route 8, you are going to have the new mexican restaurant (La Hacienda) that just opened, Wawa, WSFS Bank and more commercial/retail establishments in front of residential all along Forrest Avenue. It should be noted that if you look in the current Dover's *Comprehensive Plan*, Dover's expansion is west. The majority of the proposed annexations for the City are all west on Route 8 and Hazletville Road. Dover High School was constructed on the west end of town because Dover's expansion is west and they wanted it to be, once Dover expands, more centrally located. As you travel west, now you are getting into residential and you have this nice five acre parcel which is prime for light commercial, residential, mixed use, service type establishments, and small retail that support the surrounding community. That is what you have all along that Route 8 Corridor. The goals of Mixed Use in the *Comprehensive Plan* "encourage creation of neighborhood centers." He thinks that this is kind of a key piece. He grew up in town right over in Fairview and one thing that they had growing up was the Little Store and the old Marsteller's. Marsteller's was a more of a couple of acres parcel. There was Marsteller's, Roma's, and an Ace Hardware. You had small service type facilities. He could walk to the Little Store all of the time. Those are the types of small walkable service type of facilities that they are talking about here in concert with small pieces of residential. The second

thing is that it talks about these types of centers being close and walkable to a close community and fronting on major roadways. This fronts on Forrest Avenue and as Staff said, this is one of the gateways to Dover from the west. The third, he would submit, and he is sure that majority of the people behind him would submit that it is right smack in the middle of communities around it and a half a mile away that are all walkable and that would all be forced to be walkable, not long through DelDOT on Forrest Avenue but through the City with pedestrian facilities themselves. C-1A (Limited Commercial Zone) is an allowable use in the Mixed Use land use classification for the *Comprehensive Plan*. So, when you look at compliance with the *Comprehensive Plan* and compatibility with neighboring uses and zones, he would submit that you have a Route 8 Corridor just has commercial on the Route 8 Corridor itself and residential behind them. C-1A (Limited Commercial Zone) is an allowable zone and Mrs. Melson-Williams already brought up all of the uses that are allowed with the C-1A (Limited Commercial Zone) itself. You are talking about retail stores, personal establishments, restaurants, some residential as well as a scattering of office uses.

Mr. Reaves asked why not C-1 (Neighborhood Commercial Zone) opposed to C-1A (Limited Commercial Zone). Responding to Mr. Reaves, Mr. Street stated that he believes the difference between C-1 (Neighborhood Commercial Zone) and C-1A (Limited Commercial Zone) is that it dealt with the size of either the office or retail. C-1A (Limited Commercial Zone) allows a little bit more flexibility with the size of the retail. We are not talking about giant retail; it's like single use retail that you would see in Greentree Village, like a 1,500 SF space. He thinks that C-1A (Limited Commercial Zone) allows for a little bit larger space than that.

Mrs. Melson-Williams stated that C-1 (Neighborhood Commercial Zone) does have a limitation on the size of all establishments. It is limited to 2,500 SF per establishment. The uses are fairly similar to what is proposed with a Rezoning to C-1A (Limited Commercial Zone). There are some limitations and some additional uses that are specifically prohibited in C-1 (Neighborhood Commercial Zone).

Mr. Reaves stated that the 2,500 SF seems reasonable for a small neighborhood possible store or service establishment. He would be asking if 2,500 SF enough for what the plan is for there. Responding to Mr. Reaves, Mr. Street stated that they have no physical buildings laid out. The plan is a mixture of residential and commercial. With the 2,500 SF limitation, just through discussions, it limits what you can do commercially. So if someone needs something a little bit bigger as far as an office space than the 2,500 SF, then that's not allowed in the zone. It allows a little bit more flexibility with that. He doesn't think that they are talking about anything really big. You can't really put a large building there but it just offers a little more flexibility. Through conversations with Staff and the client, C-1A (Limited Commercial Zone) made the most sense.

Dr. Jones stated that she thinks this application has a little bit of history or previous applications. Has there been any communications to the residents because apparently there were some concerns early on? Responding to Dr. Jones, Mr. Street stated that he is not sure if there has been any communication between the owner and the residents themselves.

Mr. Witham asked that the fact that the area in question is over 5 acres, does that impact your judgement as to whether you are seeking a Rezoning from R-10 (One Family Residence Zone) to C-1A (Limited Commercial Zone)? That is no small area and it is not a large area but it is a good

sized area. Because it is over 5 acres, would that play a major factor in your decision to seek a Rezoning to C-1A (Limited Commercial Zone)? Responding to Mr. Witham, Mr. Street stated that he doesn't know that the area itself does. It's whether or not they would keep it residential and build houses or whether they would go commercial. He wasn't part of those conversations; they came to him and said "we want to rezone it." They kind of get their marching orders and they may consult with them on what zoning may or may not make sense but they (the applicant) are the ones that come to us and they (the applicant) are the ones requesting a commercial zoning.

Mr. Witham stated that if the acreage was like one acre as opposed to five acres, could that have an impact of whether you seeking a Rezoning to the C-1A (Limited Commercial Zone) or the C-1 (Neighborhood Commercial Zone)? Responding to Mr. Witham, Mr. Street stated that without having both and comparing them with the size of the parcel, it would probably play some part. He has developed a lot of one acre parcels so it kind of plays into it.

Mr. Cooper asked Mrs. Melson-Williams if she knows what the maximum square footage is for C-1A (Limited Commercial Zone) versus C-1 (Neighborhood Commercial Zone). He knows that it is at 2,500 SF for C-1 (Neighborhood Commercial Zone) but it is hard to compare without the other end. Responding to Mr. Cooper, Mrs. Melson-Williams stated that the C-1A (Limited Commercial Zone) does not have a maximum size per establishment. That is one of the big differences. There are some slight differences in the uses that are allowed between the zones. For example, the C-1 (Neighborhood Commercial Zone) does not specifically call out offices as an allowable use. It also has a few more prohibitions to it. We could also look to the bulk standards for both of those zones for comparisons, but the COZ-1 (Corridor Overlay Zone) is also going to play a factor into some of those bulk standard limitations for development as well. The COZ-1 (Corridor Overlay Zone) has a height limitation and there is buffering and landscaping requirements that are going to make your buildable area smaller in general.

Mr. Street stated that having the COZ-1 (Corridor Overlay Zone) remain on the parcel also means the buildings have to be put within 30-40 feet of Route 8. The buildings have to be pushed forward so that the buildings sit forward and the parking is to the rear. The COZ-1 (Corridor Overlay Zone) is subject to an exhaustive amount of plantings along the roadway and on the parcel as well as superior architectural standards. Those all have to be met if Site Plans move forward.

Mr. Reaves stated that with the explanation that Mr. Street explained about the commercial properties that are more east of Route 8 from the Wawa to the Redners, those areas contain four lanes of traffic, two lanes each direction. When you get down to this particular parcel, there is only two lanes of traffic going in either direction. Was that something that is a concern for this particular parcel? Responding to Mr. Reaves, Mr. Street stated not in general. He says that because he has done this for 20 years, DelDOT has their own standards and DelDOT has their own requirements depending on the traffic with whatever is generated. They can start getting into Site Plan issues. Depending on what goes there, traffic is calculated and then quantified and then they have to provide an entrance and safely maneuver that traffic in and out of the site. DelDOT plays a big part in that so it would have to meet DelDOT's standards for number 1 and for number 2 it would have to meet safety and DelDOT's requirements for left turn lanes, right turn lanes, signals, and everything else. They would have to go through that whole process

before they even get access. In general, the two lanes doesn't necessarily concern him off-hand because they would have to make accommodations for the site depending on what went there anyway.

Mr. Reaves stated that with regards to the Development Advisory Committee, the report from the DelDOT agency clearly states that there will be no access to this property from Forrest Avenue which means that the entrance to this property which is an existing entrance would be into the neighborhood entrance and exit. Traffic that would be traveling east more or less would bottleneck in that particular area and that would be pretty devastating especially around the time periods that they are exiting the school and everyone is coming back in that direction. He doesn't know what the conversation was that you had with DelDOT; however, if that road is not expanded, that could be a tremendous burden on traffic coming in and out. Responding to Mr. Reaves, Mr. Street stated that he can tell you that he saw the comment and it kind of made him scratch his head because it's just a Rezoning and that comment is really more appropriate for a Site Plan. He actually reached out to both the reviewer and the subdivision engineer and asked if there was something that he was not seeing. At times, there can be deed restrictions or actually a denial of access to a road that DelDOT says you cannot have access to the road. Route 13 is good example. It is in the Corridor Capacity Overlay which they try and limit access to Route 13. Having said that, he received communications back from when he asked if this was just a standard comment because it's on Forrest Avenue. It may be a little congested and it would be something that they would have to work through on the Site Plan and the response was basically yes. That is why it is an advisory comment not a requirement as a condition of approval of the Rezoning itself with all of these issues, DelDOT's stance might be right now that they don't want it to have access but they would still have to come work with us on any access when it was proposed with whatever Site Plan might come forward which there is none at this point.

Mrs. Maucher asked what housing density is allowed under this zoning. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the types of units that are allowed include one family residences as attached and detached which would be things like townhouses, duplexes, single family detached, and apartments and multi-family dwellings which are more than one unit in an individual building. Some of those refer to the RG-1 (General Residence Zone) bulk standards and the RG-1 (General Residence Zone) bulk standards give a minimum lot size. There is not necessarily a density calculation; you just have to do the math.

Mrs. Maucher stated that if garden apartments were to be built, are there capacity restrictions as far as that would go with this zone? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that you are going to have some limitation just with the bulk standards and setbacks from property lines that creates a buildable area within the property itself. With that, they have not done the math to figure out what the buildable area is on the parcel with 5 acres. There is certainly opportunity there. She wouldn't want to guess the exact size this evening.

Mr. Street stated that he wanted to address something else. It is kind of his concern with DelDOT and he has had the conversation with them. They (the applicant) don't want to pull the traffic onto that residential street. That just doesn't make sense and that was his first comment. If they can't come off of Route 8, then why would they want to go to the residential street? They would try and avoid that as much as possible because it just doesn't make any sense for traffic as far as how traffic flows and what not. Your thinking is along the same lines; it doesn't make sense to

pull all that traffic into a residential street. No matter how big it is, it's still the entrance to their subdivision and he wouldn't want it if it was his.

Mr. Paradee stated that he wanted to try to address Mr. Witham's question about the size of the acreage and the square footage limitation in the C-1 (Neighborhood Commercial Zone). That is found in Section 11 of Article 3 (of the *Zoning Ordinance*) Section 11.4 limits the total floor area in any one establishment to 2,500 SF. So, you have a five acre piece of land and it wouldn't be a very sufficient use of that land to just put one 2,500 SF building on it. If it was a one acre parcel then that would make sense perhaps. But 2,500 SF on five acres is not a sufficient use of land. Their client has the intention of building something larger than 2,500 SF which they couldn't do in C-1 (Neighborhood Commercial Zone).

Mrs. Maucher stated that it is not limited to one per parcel, you could have ten establishments that are each 2,500 SF. Responding to Mrs. Maucher, Mr. Paradee stated that they could. Now we are starting to get a little bit into Site Plan issues but frankly, even if you were able to have three or four 2,500 SF buildings, it's probably not a flexible design or as efficient design as maybe having a 10,000 SF building which you couldn't do in C-1 (Neighborhood Commercial Zone). The C-1A (Limited Commercial Zone) gives them a lot more design flexibility. That is the concept and that is why the client chose that. It also specifically prohibits gas pumps.

*Mrs. Maucher opened the public hearing.*

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

Mr. Davis stated that Dr. Jones asked a question about past history. This parcel, 2.5 years ago, was rejected by this body by a vote of 9-0 because it was not an appropriate use for that particular area which is residential. Mr. Street pointed out on his PowerPoint presentation, the map of Route 8 and the purple area which represented this property. It was outlined very well in terms of it shows that it is totally surrounded by residential area. When we talk about it being mixed use on Route 8, that's true up until you get to Dover Kenton Road. From Dover Kenton Road and Mifflin Road on west, there is no commercial establishment. These are residential neighborhoods. He did read, after 2.5 years ago, the *Comprehensive Plan*. The neighborhood centers that Mr. Street references with Marsteller's, Grocery Basket and some other quaint little stores that he remembers, that is not what's going to go in here. It is not going to be a neighborhood center that this neighborhood wants. To answer Dr. Jones' question about was there any outreach towards the neighbors. He can say unqualified, no. They have the President of the Cranberry Run Homeowner's Association here and there has been no attempt to contact any of the members of the public that came 2.5 years ago. As now, everybody had our information. Dealing with Mr. Reaves' question in terms of a left hand turn going east bound on Route 8, you pass a stop light at Dover High and then it's just a couple of hundred feet until you get to the entrance of Cranberry Run. Where the entrance it going to be directly off of Route 8, that will create yet another potential traffic tie up as somebody attempts to make a left land turn into that property. Unless you decide that there is going to be no left hand turn and of course that is something for a Site Plan as they say. What he wanted to address specifically, is whether the proposed use is in keeping with the neighborhood especially, since there is no commercial property. If we are talking about a mixed use being in compliance with the residents of Route 8

from Dover Kenton Road east, sure. You have Redners right there and Wawa across the street. There is also the new mexican restaurant, but you do not have west of Kenton Road and Mifflin Road, another commercial property until you hit the old Buck's Barber Shop at the corner of Artis Drive and Route 8. That is all residential area. They are well aware of what happens with little strip centers at the edge of the western boundaries of the City of Dover. They are very aware of what happens at the Wawa of Forrest Avenue. There was a shooting there last month. They are very aware of some of the issues that come with those particular strip centers. That is not in keeping with what is the residential nature of Heatherfield, Heatherfield East, Cranberry Run, and approximately eight (8) properties on the other side of Route 8 which back up on Dover High School's property. He would like to thank Planning Staff who have always been unbelievably helpful toward him whenever he has stopped in.

**Dr. Valarie Boyer – 3 Somerset Circle Dover, DE 19904**

Dr. Boyer stated that she is the President of the Cranberry HOA. She moved here on October 22, 1999. Why? Because there were horses across the street on Route 8. Because there were cows. There was a man living in a little trailer and he had these little animals. She thought, "I'm going to move here." Then she bought a cul-de-sac property and paid extra money to have a cul-de-sac that backed up to the woods where she put a \$23,000 fence up. Now, it is a possibility that C-1A (Limited Commercial Zone) is going to intrude on our neighborhood like this. We only have like 73 houses, but we are happy. We keep it up and we get our dues. Everyone takes care of their property. Can you imagine how our property value is going to plummet once these little structures go up? It was said before; Wawa just had a shooting. Someone was hiding in the bushes as he fired the shots. He hit someone and could have killed them. Who's to say that they can't hide behind a house or a shed or our cars and start doing some kind of rampage? The suggestion that there could be a convenience store there makes her wonder about the traffic coming down Route 8. They would have to turn into Cranberry Run. The 18-wheeler who has to use the bathroom and they want to come in would have to turn into Cranberry Run. What about the children who cross Route 8 from the high school? They want that snack. You know how it is when you're hungry after school; so, they dart across that street and with all of that traffic somebody is going to get hit. Or when you are trying to go to work in the morning and you are trying to get onto Route 8, but you can't get to Route 8 because there are people coming in and out of the development entrance. Traffic is steady on Route 8 as it is. They don't need another back up. We don't want commercial in our neighborhood. No one asked her or anyone that she knows. Would you want it in your neighborhood? No, you don't. She didn't move all the way here to have commercial structure on the side of the entrance of her neighborhood. She has a doctor who used to live across the street from her and he moved to Quail Run. It is a professional neighborhood. She is a professor at Delaware State University and she is proud of it. She doesn't want to move; she thought this was going to be her last stop. But commercial coming in, it is definitely something that she is going to have to rethink. If there is food being sold on that corner, you can believe that they are going through our park to sit there and eat and then throw the trash on the ground and then they may take a stroll through the woods. She has seen people do it before but it hasn't happened in a long time because she called the Police about it. It won't take long before Cranberry Run will be absolutely destroyed for money.

**Ms. Rose Marie Eberly – 109 Tucket Circle Dover, DE 19904**

Ms. Eberly stated that they have been here before and she is not quite sure what has changed

because she can tell you that the community hasn't changed their mind. They are definitely opposed to this Rezoning. They have concerns regarding the traffic. They already have trouble getting out of our development. Not just during the school times but also on Sundays when church lets out or if there are any activities going on in west Dover like funerals from the cemetery and many other events that cause them to have problems getting out of the development. Any retail establishments here would be 24-hour lights, noise, trash thrown everywhere with the community expected to clean it up, and loitering from kids and adults. All of the establishments that this gentleman mentioned previously east of this property have crime which is theft, prostitution, drugs, or assault. If there is any doubt that they are there, just look at Route 8 and what's going on at the Wawa or at the Kent 8 Shopping Center. Also, getting into our development, they are looking at having the entrance to this property come in on Cranberry Run. When we try to make a right turn into our development which we can't even get a turn lane there, we are taking our lives into our hands. People don't want to stop, slow down, or let us get into the development. As far as coming from the other direction, she is a bike rider and she has had a car come directly at her because she was in the turn lane and they were too impatient to wait for somebody to make a right hand turn. That car slammed on their brakes to prevent hitting her. There have been other times while she is out on Route 8 where there are wide shoulders and she should be able to ride her bike there, but no because of the traffic in that area, it is not safe. The gentleman talked about a neighborhood center. It is not a neighborhood center if the people don't want it there. The mission of the City Council is to have a "place that people want to live." She thinks that right now, they have that. It is also to have a "clean and safe place." Right now, they have that. If you put a commercial development in there, that is not going to be. "Diversity is valued" and she believes that is true. "Citizens are heard and enjoy a high quality of life." You put a retail establishment in there and that's not with the mission of City Council. They are not happy with this and she hopes that the Commission will not rezone it because this proposed establishment does not go with the neighborhood.

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

Ms. Sadusky stated that she just wanted to start out by thanking each Commission member who asked questions because they were very thoughtful and some of the questions that she had weren't answered in the presentation. She was here 2.5 years ago and she agrees with the people who have already spoken that nothing has changed. They weren't notified or contacted and they remain opposed as multiple neighborhoods in that area. They are opposed to this kind of construction or commercialism in our neighborhood. She wants to mention three things. First of all, she leaves for work in the mornings between 7AM and 7:15AM each morning and to get out of the neighborhood of Heatherfield, she has to sit at that stop sign sometimes for 3-5 minutes just to get out safely because there are so many buses leaving Dover High School and traffic of parents dropping their kids off. It is really a difficult place to navigate without a light. Also, as a high school teacher, she is very concerned and she mentioned this a couple of years ago, with the enticement of having a business like that across the street from Dover High. Either during school hours or after school hours, she remembers when she was in high school at Dover High a long time ago, they were running to the local Hardees and it wasn't even within visual sight. She thinks it could be very dangerous for the students at Dover High School to have that kind of business there in addition to all of the traffic and the poor residents of Cranberry Run and Heatherfield. She just wants to press that she doesn't think that we need another convenience store or some other type of large establishment in that area. Again, like somebody already said,

we have businesses east of this area but there is nothing in that area except for neighborhoods. She knows that they would like to create some competition for Wawa possibly but we don't need another establishment like that in our neighborhood. It's in accordance with the City of Dover's planning, but it's definitely not compatible with the neighborhood. They have residential zoning and they have a residential area. They don't need this type of building in the western part of Dover. She also wants to suggest that she thinks that if Mr. Street or Mr. Paradee lived in the neighborhood or if your client lived in the neighborhood or their children or grandchildren lived in the neighborhood that they would certainly not be in favor of this type of Rezoning. She too is old enough to remember Marsteller's on Walker Road and the Little Store that was a couple of miles from Fairview. She doesn't think this is a fair comparison to the kind of building that is being proposed.

**Mr. Richard Heisler – Forrest Avenue Dover, DE 19904**

Mr. Heisler stated that there is no sense in repeating everything that has been said. He would like to reiterate that getting out on Route 8 when the school is letting out or starting up, it is just all but impossible and he lives on the right side of the road. The people on the other side, he pities them. He agrees with everything that has been said and he appreciates the Planning Commission taking our input. The previous Planning Commission, they did not attend it and that's why your decision went the way it did. He certainly hopes that you consider everything that has been said here tonight by the residents.

**Mr. Darrell Muchison, Sr – 129 Falmouth Way Dover, DE 19904**

Mr. Muchison stated after hearing everyone with their statements and their proposals, he and his wife bought this home 16 years ago in June. They moved here from Philadelphia to raise our two children which has been the greatest move that we have ever done just for our children's sake. But in the same instance, they were introduced to a whole different lifestyle here in the City of Dover and he is grateful for that. He is also grateful for the peace and the quiet tranquility that this neighborhood and community brings with his choice to move here from Philadelphia. He wouldn't change it for the world. The last proposal was to put a Sheetz gas station down the street, but we came together as a community and we voiced our opinion and that was done away with. Along with everyone who just made their statements, we are really against any more confusion, any more traffic congestion that it takes for us to get in and out of our development even with the regards to the children that go to Dover High. Both of our children are graduates of Dover High; so, he has seen the changes. Some change is good and some change isn't good and this change here, he doesn't think would benefit the neighborhood of this community.

**Mrs. Ashia Muchison – 129 Falmouth Way Dover, DE 19904**

Mrs. Muchison stated that she heard a couple of people touch on the children and their safety, but she doesn't think that the magnitude of their safety was presented well enough to make you guys reconsider. That bus stop is full of children at about 7AM and they are waiting to get on the bus when someone can be turning to another area which will cause confusion with anyone getting in or out. She knows that C-1 or C-1A is saying that it could be housing but would it be a halfway house? Would it be a homeless shelter? Would it be a safe haven for women who are running from something? What is it going to be? There is going to be not only bus traffic, but it is also going to be our children in the street racing across traffic to get to that store or to get to the other side. It is going to cause chaos and not only chaos, but the cost of living. Her property

taxes are definitely going to go up more and her cost of living is going up as well. To her, the safety of our children and grandchildren are not considered.

Mrs. Melson-Williams stated that Mr. Robert Hice did send an email and that email was provided to the Planning Office via the City Clerk's Office and Staff distributed it to the Planning Commission members. Mr. Hice is at 124 Chelsea Way in Cranberry Run. His email notes where he is residing and he notes that he thought the Rezoning of this parcel was put to rest months ago. He makes the statement that "the current owners want to have this parcel rezoned so that they can sell it to a buyer that wants to build a convenient store with gas pumps. It is his understanding that it is currently zoned for residential building." He notes that he is "absolutely against that Rezoning effort because it's near his back yard." It goes on with some of the other statements related to traffic, lighting and the issues at the Wawa that was recently experienced. He feels that his house is in the City but it is still out in the country. He's asking that the Commission vote against this Rezoning. He notes that he did not receive the notice that was sent to surrounding properties. Planning Staff checked his location and his property is not within 200 feet of the subject site. It is like one parcel away from being in that mandatory notification area.

**Mr. Robert Hice – 124 Chelsea Way Dover, DE 19904**

Mr. Hice stated that he doesn't have much to add as everyone else covered it pretty well.

**Ms. Patricia Cohen – 1602 Forrest Avenue Dover, DE 19904**

Ms. Cohen stated that she wanted to thank everyone for everything that has been said tonight. She was looking over the *Comprehensive Plan*. The 2019 *Comprehensive Plan* described our City of Dover as "poised for growth in order to maintain a small-town feeling, respecting the tranquility of residential areas to ensure safe and livable neighborhoods and well planned communities." The Plan lists future challenges of maintaining the character of the neighborhoods while addressing the impact of the increased traffic infrastructure, maintenance, and air quality. She feels like the proposed changes should take into account the factors that are not seen on a daily basis unless you live there. So firstly, Route 8 is, as others have already said tonight, it's already a high traffic flow area. The 35 MPH speed limit is rarely observed and instead Route 8 resembles a NASCAR race. Speeding and illegal passing are daily occurrences. They are very grateful to our City of Dover Police Department for their continued presence in helping to promote safety in the area. But naturally, they are extremely concerned for the safety of pedestrians and residents. If this land is developed, it will result in even more traffic up and down Route 8. Consider the detrimental effects on the air quality and exposure to environmental toxins as well. Next, while the proposed changes may appear advantageous on the surface, it is important to consider the impact on the infrastructure. The existing roadways will not be able to sustain increased traffic. In reviewing the *Comprehensive Plan*, they are all seeking to arrive at a positive solution. She struggles to understand how this zoning change would benefit surrounding neighborhoods and residents. So lastly, she urges the Planning Commission members to take a field trip. Even if it's for only an hour of their day to physically sit on Route 8 and observe the traffic patterns in order to be more accurately informed of how negatively this proposed zoning change will influence the future of west Dover.

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

Mr. Sutton stated that after being on the phone listening to everybody, he has some great

neighbors. He has nothing really to add to what they said. Everything they said is right on point. This is not a good thing for the traffic and safety. This just bothers him that this is even coming up again. He's really just angry about it. He doesn't think that anybody is happy about what's happening here, and he's just disgusted with it all. He and his wife have lived here for 18 years now. This is a beautiful place to live and a beautiful place to raise your children. It is a beautiful place to walk and exercise and don't take that away from us. There are a lot of senior citizens around here that feel comfortable living here. All for money and greed and he just finds it disgusting. He appreciates your time and that is all that he has to say because these people are right on the money.

Mrs. Melson-Williams stated that Mr. Muchison who spoke earlier had another question that he entered into the chat. The question is will they cut down the trees? She believes that there are some existing trees on the property. This is just a Rezoning application. Any future development would be subject to a separate review process. The City does have tree preservation and tree planting requirements. Should development occur, she would imagine that's something they would evaluate versus design and the requirements of the *Zoning Ordinance*.

Mrs. Melson-Williams stated that she did get a note from Ms. Yvonne Biddle that her husband had already spoken.

Mrs. Maucher asked if there were any other written comments received other than Mr. Hice's comments. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that there were no other additional public comments, only the email from Mr. Robert Hice that she mentioned earlier.

*Mrs. Maucher closed the public hearing.*

Mrs. Denney asked if it was possible that somebody would have an interest in voting to approve this, would it be possible to make it conditional? For instance, a condition upon the fact that no entry to this come through or involve in any way Cranberry Run? Responding to Mrs. Denney, Mrs. Melson-Williams stated that a Rezoning request is on the face of the zoning district alone. You cannot condition it to a particular use or to a condition of approval such as that.

Mr. Witham asked if the issue about the entrance access to the site just raised by Mrs. Denney, wouldn't that come up on Site Plan review? Responding to Mr. Witham, Mrs. Melson-Williams stated that any questions of site design, be it entrance, building placement, and all of that would be part of a Development Review Application for the project site.

Mr. Witham stated that the public could then certainly have input with respect to that, correct? Responding to Mr. Witham, Mrs. Melson-Williams stated that certainly during a Site Development Plan, there is the ability for public hearing and input and potential conditions with an application; however, the appropriate regulatory agencies must also weigh in. The Planning Commission can't supersede a DelDOT or Kent Conservation District requirement in the long run.

*Dr. Jones moved to recommend denial to City Council for Z-23-02 Lands of Draper Farm Properties, LLC at 1617 Forrest Avenue for the change from present zoning (R-10/COZ-1) to the proposed zoning (C-1A/COZ-1) because of the testimonies from the residents. In addition to the*

*comments made by one of the callers, she had already written these things down, but she distinctly put them in order. She does not believe that approval of this Rezoning would add to the safety of the residents and/or the young people who traverse that area quite a bit. She lives almost in that area, so she sees them. The zoning request appears not to be compatible with a livable community and adding any type of commercial endeavor to that area would in fact not enhance tranquility, seconded by Mrs. Denney for the same reasons as the maker of the motion. She doesn't believe that a Rezoning in this particular area considering at most, the safety issues with regard to the school and the students. She just thinks that this is not appropriate. She doesn't think that it meets the character of what is already there as far as the housing and the character. The motion was carried 6-2 by roll call vote with Mr. Roach absent.*

*Dr. Jones voting yes; for reasons previously stated. Mr. Reaves voting yes; based on the Corridor Overlay Zone Article 3, Section 27.1A. He has a concern that it doesn't promote superior urban corridor development in the highest quality building environment. Also, it does not foster the coordination and linkage among corridor properties with adjacent lands and it does not preserve the functionality and efficiency of the roadway for traffic movement and safety. Mrs. Welsh voting yes; for reasons stated and also as she looks at Map 12.1, she sees that the ratio of commercial establishments and properties depicted on that map are significantly smaller compared to the residential neighborhoods and properties in that area and as noted by Mr. Davis in his comments. She knows that area well. She lives in that general area. The properties to the west of Mifflin Road are all depicted as residential on that Map and so she feels that that's more compatible with the situation and it is an immense safety concern as far as what we do here. Mr. Cooper voting no (as clarified); this has got to be the toughest vote that he has had to make since joining this Commission. The Comprehensive Plan says to approve the application, but the road and the residents say not to. He thinks that if there was a Site Plan that showed the entrance which is understood is not feasible at this moment, he thinks it would make it a lot easier to vote for it. Unfortunately, he has to vote to deny the motion. Mrs. Denney voting yes; in keeping with the comments that she made when she seconded the motion. She does believe that most especially its the safety issues and as far as the traffic, we all know that that is ultimately up to DelDOT. But she travels that road a lot and it is just, to me, the fact that when she even thinks in her mind of students from the high school running across. We all know that it is the same thing with those teenagers. You can say that you shouldn't run a stop sign and that you should slow down at a yellow light and all of those different things that we say that are ignored. Certainly, that would be one of them with a bunch of high school students. She thinks the safety issue is big. Mr. Witham voting no; for this particular site, the request is to amend the Zoning Map to rezone the property from R-10 (General Residence Zone) to C-1A (Limited Commercial Zone) with the COZ-1 (Corridor Overlay Zone) remaining in place. This certainly comes within the desire of the Comprehensive Plan to extend the commercial uses to include retail, personal service establishments, service establishments, restaurants, and offices. While the main concern as he sees it is a safety issue and traffic issues, he feels that perhaps those issues can be adequately addressed when it comes for Site Plan approval. He doesn't think that should adversely impact on whether it meets the Comprehensive Plan design for this particular area. Mr. Baldwin voting yes; this is a just a recommendation to City Council. Mrs. Maucher voting yes; she thinks the C-1A (Limited Commercial Zone) is a very broad zoning option and it leads to a large number of facilities that may not meet the compatibility of the surrounding area. She does recognize that it is compatible with the Comprehensive Plan, but again, that is a very broad zoning category. (Note: The vote was originally announced as 8-0 in favor of denial. However, the Chair and Staff*

*asked for clarification of the votes and two members, Mr. Witham and Mr. Cooper had voted against the motion.)*

Mr. Reaves stated that he would like to give clarification to his comment in how he addressed the issue. He votes to support the denial of Z-23-02.

Mrs. Melson-Williams stated that is a recommendation to City Council. That, along with the reasons and comments and the Report will be packaged and forwarded the City Council. This is subject to a hearing before City Council and the public hearing is scheduled for February 12, 2024. City Council meets in Council Chambers also and their meetings begin at 6:30PM.

Z-24-01 Lands of City of Dover (Old Post Office) at 55 Loockerman Plaza - Public Hearing and Review for Recommendation to City Council of a Rezoning application for a parcel of land consisting of approximately 1.27 acres (Old Dover Post Office property). The property is zoned IO (Institutional and Office Zone), subject to the SWPOZ (Source Water Protection Overlay Zone), and subject to the H (Historic District Zone). The proposed zoning is C-2 (Central Commercial Zone), subject to the SWPOZ (Source Water Protection Overlay Zone), and subject to the H (Historic District Zone). The property is located on the north side of Loockerman Plaza and adjacent to Innovation Way. The owner of record is the City of Dover. Property Address: 55 Loockerman Plaza. Tax Parcel: ED-05-077.05-04-53.00-000. Council District 4. Ordinance #2023-13

**Representative:** Mrs. Sharon Duca, Assistant City Manager for City of Dover

Mrs. Melson-Williams stated that this is a Rezoning Application for the Lands of the City of Dover; the Old Post Office site at 55 Loockerman Plaza. That subject parcel is shown on the screen in yellow. It is currently zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone), and subject to the H (Historic District Zone). The proposed Rezoning would take it to C-2 (Central Commercial Zone), with it remaining subject to the SWPOZ (Source Water Protection Overlay Zone), and subject to the H (Historic District Zone). This is land owned by the City of Dover. The building that stands on it was the Post Office that was constructed in the 1960's. The Post Office has since relocated in the last few years into the facilities over on Bank Lane leaving the City with a tract of land with a building. City Council has taken steps to dispose of/or sell in this case the property; however, the City is currently bringing forward this request to Rezone. Looking at the *Comprehensive Plan*, again, we find a property that is identified as Mixed Use in the Land Development Plan for the City on Map 12-1. The *Comprehensive Plan* does talk specifically about the historic core and center city as a Mixed Use area where there is a mix of a commercial environment as well as a residential environment. The next piece of the *Comprehensive Plan* that we always look to is that Land Use Matrix where we find the C-2 (Central Commercial Zone) as one of the zoning districts for the Mixed Use land use category. Looking at zoning, the C-2 (Central Commercial Zone) is here in Downtown currently and would allow for a mix of retail, restaurants, hotels, art galleries, service establishments, personal service offices, as well as on the residential side, apartments, and multi-family dwellings. Additionally, there are some Conditional Uses that are allowed in the C-2 (Central Commercial Zone). She will note that specific uses that are prohibited in C-2 (Central Commercial Zone) zoning district currently are fuel pumps and motor vehicle storage sales or repairs. Noted in our Report is also the SWPOZ (Source Water Protection Overlay Zone). There

is some prohibition on uses to help protect our water resources. Then its presence in the Historic District Zone will require that any proposals for demolition and new construction redevelopment, receive an Architectural Review Certificate as part of that review process. Again, this is a Rezoning, and the Planning Commission is charged with evaluating the Rezoning on a series of three factors. Those factors being the uses permitted by the proposed change and whether they would be compatible with existing uses and zones in the area; the adequateness of public services and infrastructure either existing or to be created and expanded; and then if the proposed change is in accordance with the City's *Comprehensive Plan*. Planning Staff is recommending approval of the Rezoning to C-2 (Central Commercial Zone) finding that it is consistent with the *Comprehensive Plan*. It is a district that they find in the Mixed Use land use classification and offers opportunities for development and revitalization both on the residential and commercial and office side which are all elements of a strengthened Downtown core area. There are limitations of the current zoning with the IO (Institutional and Office Zone). While it focuses on office related realms and some of the civic kind of functions, it is very limiting when it comes to commercial activity such as retail and housing or residential opportunities. With this, again, Planning Commission is making a recommendation to City Council for this Rezoning request to take the property from IO (Institutional and Office Zone) to C-2 (Central Commercial Zone) with it remaining subject to the SWPOZ (Source Water Protection Overlay Zone) and the H (Historic District Zone).

Mrs. Duca stated that basically the City Manager's Office has been charged by the City Council to sell the old Post Office site. They are looking to, as noted in the Report from the Planning Office, support the revitalization and redevelopment of this area looking particularly at the mixed-use options.

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

Dr. Jones asked if this site was part of the Historic District. Were there any comments from the Historic District Commission? Aren't they a part of DAC? Responding to Dr. Jones, Mrs. Melson-Williams stated that the Historic District Commission is an appointed body of the city. Their activities are laid out in the *Zoning Ordinance*. Rezoning requests do not come before them unless it involves Rezoning to or from the Historic District Zone. They will be involved in any future redevelopment of the project site, and you will hear from them at that point. No, they are not a standing member of the Development Advisory Committee.

Mr. Reaves asked if this property is currently up for sale or when will the City list this property for sale? Responding to Mr. Reaves, Mrs. Melson-Williams stated that the property was previously posted for sale. The City actually took requests for proposals for the project site and has selected an entity to purchase. She believes that they are in the process of contract work to complete that sale. At the present time, she believes that the City still owns it at the moment, but it may not be for long.

*Mr. Reaves moved to recommend approval to City Council for Z-24-01 Lands of City of Dover (Old Post Office) at 55 Loockerman Plaza (for Rezoning to C-2 (Central Commercial Zone) with SWPOZ (Source Water Protection Overlay Zone) and H (Historic District Zone) zones),*

*seconded by Mr. Witham and the motion was carried 8-0 by roll call vote with Mr. Roach absent. Mr. Reaves voting yes; based upon the zoning of the old Post Office and the understanding that during the Site Plan review, we will be able to comment on anything that may be contrary to that zoning. Mrs. Welsh voting yes; for reasons stated in the DAC comments. Mr. Cooper voting yes; for reasons previously stated. Mrs. Denney voting yes; in keeping with the thought that when we come to Site Plan review, they will have an opportunity to delve further into it. It is a good thing that the Post Office building is being sold and that something new will begin there. Mr. Witham voting yes; it seems to him that this fits within and is consistent with the 2019 Comprehensive Plan as it is a part of the core Downtown area and frankly, he thinks that a very few people in the City of Dover would like to see a building of that size be vacant for that long period of time. We have too many vacant properties already in Dover and we don't need anymore, particularly in the Downtown area. Also, for the other reasons set forth on the record by his fellow Commissioners. Mr. Baldwin voting yes; based on the reasons stated and Staff recommendation. Dr. Jones voting yes; for reasons previously stated. Mrs. Maucher voting yes; for the reasons previously stated.*

### **NEW BUSINESS**

#### Nomination and Election of Vice-Chairman for Planning Commission

Mrs. Melson-Williams stated that previously Mr. Hartman served as your Vice Chair so now that he is no longer a seated member of the Planning Commission, that position is vacant and per your By-Laws should be filled. You can certainly take nominations and election of the Vice Chair for the Planning Commission. She would note that per your By-Laws, the votes on Chair and Vice-Chair are to be done by a secret ballot. But you may wish to consider dispensing with that, but it should be done by motion and then seek candidates for that position.

*Mr. Witham moved to dispense the secret ballot vote and move to voice vote for the election, seconded by Dr. Jones and the motion was carried 8-0 by voice vote with Mr. Roach absent.*

Dr. Jones nominates Mrs. Welsh as Vice-Chair.

Mrs. Welsh stated that she declines the nomination, regretfully.

Mr. Reaves nominates Mrs. Denney as Vice-Chair.

Mrs. Denney stated that it is so much work, but she thinks that it is important that the Commission knows that she chairs the Kent County's Board of Adjustment. As long as everyone is fine with that, she will accept the nomination. Responding to Mrs. Denney, Mrs. Melson-Williams stated that she doesn't believe that it's a conflict. Certainly, the Vice-Chair is the presiding Officer for this meeting in the absence of the Chair. It has happened before but that is kind of the role of the Vice-Chair.

*Mrs. Welsh seconded the motion for Mrs. Denney to be elected Vice-Chair and the motion was carried 8-0 by voice vote with Mr. Roach absent.*

Mrs. Melson-Williams stated that the positions of Chair and Vice-Chair are annual appointments. They come up for re-election in the summer timeframe. Terms run through the end of June and then normally either in July or August depending on when they have a full contingent is when we do the Annual Meeting that involves the Chair and Vice Chair elections.

**Meeting adjourned at 9:09 PM.**

**Sincerely,**

**Kristen Mullaney  
Secretary**