

**CITY OF DOVER PLANNING COMMISSION
NOVEMBER 20, 2023**

The Meeting of the City of Dover Planning Commission was held on Monday, November 20, 2023 at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system WebEx. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Cooper, Mr. Roach (virtual), Mrs. Denney, Mr. Hartman, Mr. Baldwin, Dr. Jones, Mr. Reaves, Mrs. Welsh, and Mrs. Maucher.

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

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the Agenda as submitted, seconded by Dr. Jones and the motion was carried 9-0.

APPROVAL OF MEETING MINUTES OF OCTOBER 16, 2023

Mrs. Denney moved to approve the Planning Commission Meeting Minutes of October 16, 2023, seconded by Mrs. Welsh and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, December 18, 2023, at 7:00PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on October 23 & 24, 2023 and November 13 & 14, 2023.

Mrs. Melson-Williams stated that we currently have two positions that are open in our Department. A Planner II position and the Director of Planning & Inspections are open and posted. In recent weeks, we have had a new Code Enforcement Officer join us: Mr. David Sherman.

Mrs. Melson-Williams stated that included in the packet were two upcoming trainings that are provided through the University of Delaware's Biden School of Public Policy, the Institute for Public Administration. The first being "Advanced Land Use Law". It is a Zoom meeting to be held on December 20, 2023. Moving into the new year, they will start their planning series with "Planning 101". This will be an in-person meeting held at the Kent County Levy Court Building on January 17, 2023 and that is a 9:00AM-noon time frame. If you are a Planning Commission member and are interested in attending one or both of those items, please see Planning Staff and they will get you registered. We do have some training monies to assist in your education training. If you have been through them before, it doesn't hurt to go through them again.

Mrs. Melson-Williams stated that they are focused on the update on the C-2 (Central Commercial Zone) Code Amendments Project for potential revisions to the *Zoning Ordinance* for C-2 (Central Commercial Zone). As a result of the *Transforming Downtown Dover Master Plan*, the City Staff and a Work Group have been focused on looking at potential changes to the

C-2 (Central Commercial Zone). In October, they held some stakeholder meetings and in the last month have reported to City Council a list of potential revisions to that section of our Code focused on uses, building height, parking and some other miscellaneous potential revisions. At this point, we have the marching orders to start drafting text for the formal process of text amendments so they are in the process of doing so. They hope to bring to City Council Committee, a report with those proposed text amendments to begin the formal ordinance review process. Ultimately, it will be referred to the Planning Commission for your review and recommendation as part of that formal review process. Look for that to come your way after the first of the year.

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

Pending Development Application:

S-23-19 Windward Ridge Apartments on West Denneys Road – Continued Review of a Site Development Application for the construction of thirteen (13) garden style apartment buildings consisting of eleven (11) buildings containing twenty-four (24) units and two (2) buildings containing eighteen (18) units for a total of 300 apartment units. Also proposed are twelve (12) garage buildings, a Club House with Pool, walking paths, parking, and other site improvements. Two (2) existing single family detached dwellings will remain on separate lots after a Minor Lot Line Adjustment Plan to reconfigure the three properties. The properties are zoned RM-2 (Medium Density Residence Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone). The subject site consists of three parcels totaling 40.12 acres +/- located on the north side of West Denneys Road and west of but not adjacent to Carlisle Drive. The owners of record are George L. Craig Jr. and Deborah J. Craig; Robert G. Keller and Gloria K. Keller; and Bruce A. Burkett and the equitable owner is Jack Lingo Asset Management, LLC. Property Addresses: 57 Rocky Road, 4085 West Denneys Road, and an unaddressed parcel on West Denneys Road. Tax Parcels: ED-05-056.00-01-02.00-000, ED-05-056.00-01-03.00-000, and ED-056.00-01-04.00-000. Council District 1. *Review of Active Recreation Area. Waiver Requests: Partial Elimination of Sidewalk and Subdivision Waiver of Requirement for Two Connections to Public Street. This subject area was annexed with Application AX-22-03 Lands of Craig, Keller, and Burkett: Annexation of Three Parcels on West Denneys Road. At the October 16, 2023 Meeting, the Planning Commission conducted a Public Hearing and then deferred action on Application S-23-19 seeking additional information.*

Representative: Ms. Pam Scott, Saul Ewing; Mr. Charlie Barnett, Morris & Ritchie Associates; Mr. Doug Motley, Jack Lingo Asset Management, Mr. Joe Caloggero, The Traffic Group

Mrs. Denney moved that they continue to review of application S-23-19 Windward Ridge Apartments Project, seconded by Mrs. Welsh and the motion was carried 9-0 by roll call vote.

Mrs. Melson-Williams stated that this application is for a project that proposes a complex of thirteen garden style apartment buildings and also a series of garage buildings. There are active recreation amenities in the form of a Clubhouse with pool, walking paths, a tot lot and some other improvements. This application began review at the October meeting of the Planning Commission. At that time, a public hearing was conducted and closed on the application. The Planning Commission, at that meeting, deferred action on the application seeking some additional information. First, she wants to highlight a couple of things about the project itself. It is located on the north side of West Denneys Road and involves a Minor Lot Line Adjustment to actually recreate three tracts of land. Two of the tracts have existing single family residences that will remain and the third becomes a larger tract for the development of this apartment complex. The project itself is meeting the parking requirement for apartments. They do have two Waiver Requests. One is the partial elimination of sidewalk which is to eliminate the sidewalk along the portions of the properties that are where the single family residences are to remain. The second Waiver Request is related to a provision of our Subdivision Regulations where there is a requirement for two connections to a public street. The DAC Report was previously entered into the record and still remains which includes the narrative and Planning Office review and then the review comments from the series of Development Advisory Committee member. The Planning Staff is recommending approval of both of the Waiver Requests regarding the sidewalk and the requirement to waive the requirement for two connections to a public street. In preparation for this meeting, we did receive additional information from the applicant focused on the transportation related aspects of this project. It is a letter of summary with attachments and this was distributed to the members of the Planning Commission last week as an addition to their meeting packet. Specifically, there is a letter of November 14, 2024 on this project that provides a traffic coordination summary that was prepared by Morris & Ritchie Associates and includes three attachments. It included the Traffic Impact Study scoping meeting minutes from November 2022, the Area-Wide Study Fee and Off-site Improvements Memo of August 2023, and an additional copy of the DelDOT application review commentary (otherwise known as their DAC comments). Additionally, they also included an email of November 14, 2023 that was received from the DelDOT plan reviewer assigned to the City of Dover who is Michael Vandevander. His email included attachments of the pre-submittal meeting notes for the project that was held as a conference call in July 2023 and also another copy of that Area-Wide Study Fee and Off-site Improvements Memorandum from August 2023.

Ms. Scott stated that as Mrs. Melson-Williams indicated, they did provide a letter to the Planning Commission dated November 14, 2023 which was our attempt to address a number of the issues that arose during the October 16, 2023 Planning Commission meeting that really were focused on issues involving DelDOT; both with respect to the DelDOT requirements with respect to the review of this project as well as the location of the proposed access for this project and the Waiver Request that they are making with respect to requesting that only one entrance be provided in connection with this project. She doesn't know whether this letter may have caused any additional questions from the Planning Commission as to the information that we have provided. If so, they would certainly be happy to answer any of those questions at this time.

Mr. Hartman stated that he didn't see anything newly disclosed or any new information from the actual submittal.

Dr. Jones asked if there was an attempt at all to meet with the residents about their concerns about the project. There were quite a few comments regarding safety in that area and access and so forth. Do you know if there was any attempt to meet with the residents? Responding to Dr. Jones, Ms. Scott stated that she doesn't believe that there was outside of the hearings that have occurred to date with respect to this project. She thinks that she would say that she knows that a lot of the concerns that were raised had to do with traffic. This project is obviously being proposed to have an entrance on a State maintained highway, West Denneys Road. Because of that, they are largely subject to having to meet DelDOT's rules and regulations with respect to access and with respect to any other requirements that they may have about this project. They have met all of those requirements. She believes that Mrs. Melson-Williams indicated that one of the things that was received was an email from the gentleman from DelDOT. He was following up on the preliminary review meeting that they had with DelDOT with respect to the proposed access to this site. In any event, Mr. Vandevander stated that "the proposed entrance for this subdivision is located at a position that provides the most sight distance in each direction. The Department is in support of a single access point. This will provide the safety ingress/egress to the site, and maximize the use of the sight distance." DelDOT will not entertain the concept of having a second access on West Denneys Road mainly because of the fact that we only have about 390 feet of frontage on West Denneys Road and that does not provide enough distance between the two possible entrance locations in DelDOT's opinion, for that to be safe access with two separate entrance points. What they have done is, they have worked with them to design an entrance which they have determined to be safe and appropriate with respect to this particular project. Beyond that, she knows that there was some questions about did they or did they not have to do a Traffic Impact Study. The short answer to that is no we did not. The reason is because there is a provision in DelDOT's handbook that essentially provides that even though there are some requirements for a Traffic Impact Study that they may in fact fall within; DelDOT has the authority to rather than require a TIS, to require that they pay an Area-Wide Study Fee. In this particular instance, that was the decision made by the Department of Transportation. That was also made in accordance with the City of Dover because the City of Dover had the opportunity during the course of those conversations to request a TIS and the City of Dover was comfortable with what DelDOT was proposing with respect to the Area-Wide Study Fee.

Ms. Scott asked to hand out some information to the Commissioners (the Handout was excerpts from the Development Coordination Manual.) They are specific provisions from DelDOT's *Development Coordination Manual*. These are specific provisions with respect to the requirements for Traffic Impact Studies and then also the specific provisions as they relate to the Area-Wide Study Fee. As she stated, they have requested the Waiver with the respect to providing two entrances. Clearly in the information that has been received and has been provided in the record that you have been given, there is no other ability to provide a second access on any other street. The only option for a second access would be on West Denneys Road and again, that is a decision that relies solely within the jurisdiction and authority of the Department of Transportation. She does understand that there are some concerns that the one of the objectives of the Planning Commission is to ensure the safety and welfare of the general public. But she doesn't think that at the end of the day, that supersedes DelDOT's authority with respect to the design, access and control of the roads that they are responsible to maintain under Title 17 of the *Delaware Code*. She believes that the Waiver that they are requesting, meets the requirements of your Code with respect to there being unnecessary hardship and exceptional practical difficulty

in being able to meet that requirement because as she said, they really don't have any options for providing that second access for this particular project.

Mr. Hartman stated that as late as the DAC Meeting of October 16, 2023, DelDOT said it was still offering if the local land use authority requires it, it would require a TIS. We are the local land use authority and from what you say, we are not. Responding to Mr. Hartman, Ms. Scott stated that she believes that the local land use authority in that instance was the Planning Department who attended those meetings and had the communications with DelDOT and who clearly indicated in the minutes in the DAC Meeting that they were not requiring a Traffic Impact Study.

Mr. Hartman stated that the cut off is 2,000 vehicles a day. We have here, two (2) short of 2,000 vehicles a day so he is calling in to question our Planning Office's agreement with this. He doesn't understand why they offered an Area-Wide Study Fee based on the comments from the residents. The residents are worried about accidents because there are 1,998 vehicles a day that is two (2) short of what would require a Traffic Impact Study. Plus, there is only one access. That, in his mind, would require a Traffic Impact Study or something to look at the area and none of that was done. Last week, he asked the Planning Office if they were part of the local land use authority and she answered in the affirmative. Responding to Mr. Hartman, Ms. Scott stated that what she would point to again is, while there are provisions in *DelDOT's Coordination Manual* about when a TIS is required, clearly Section 2.2.2.2 (which is one of the pages that she provided the Commission), states that "notwithstanding those requirements if a development will generate a net increase of fewer than 2,000 vehicles per day and fewer than 200 vehicles in any hour of any day, the applicant has not been required to conduct a TIS under certain provisions, the applicant may be permitted in lieu of conducting a TIS, to contribute funds equal to a certain amount as an area-wide study fee." Again, that is DelDOT's call potentially, as to whether they think that whatever additional information would be generated as a result of TIS for this project is such information that they need or whether they don't need that information and instead, prefer to have these additional funds to look at other aspects of this project.

Mr. Hartman stated that they are paying almost \$20,000 for the fee. You are paying the time it's taking for us to consider this and you are paying an attorney here tonight. How much would it have costed you to do a TIS at the very beginning? Responding to Mr. Hartman, Ms. Scott stated that is not really the question. The question is, is the regulating agency requiring that and they are not. They have rules and regulations that they follow which we are also following and in that vein, they are following very specifically what they told us they are requiring with respect to access to the roadways that are within their jurisdiction. They will be making other improvements to the roadways and she thinks Mr. Barnett mentioned that the last time that he was here. As part of the entrance approval process that they also still have to go through with DelDOT, there will be other improvements that they are going to have to make.

Mr. Barnett stated that they did speak about this a little bit last time. To clarify a little bit and he will ask Mr. Joe Caloggero with The Traffic Group to yell at him if he over speaks and he can get in to fix these specific comments. As he tried to elaborate in the latest letter submitted, during the Scoping Meeting that was held on November 2022, there was more to the meeting than just deciding whether or not a fee can take a place of a Traffic Impact Study. What happens in that

meeting is DelDOT, the Traffic Engineer themselves, and the City Planning Office looked at what is typically done in a Traffic Impact Study. They looked at the various surrounding intersections, portions of the roads that are nearby the site, and the traffic that would be generated by the development. They make a determination of whether or not they think that these proposed improvements are going to impact those intersections. For the traffic at those surrounding intersections and the existing traffic on those roads, it is not just a blind number that if you are a couple trips under this limit, you don't have to do any work. That is not the case but he wonders if there is a misunderstanding of the difference between the Area-Wide Study Fee and what has to get done as part of a development that falls underneath that category and a full Traffic Impact Study and a development that has to be underneath that. It does not prevent them from having to do any off-site improvements. It does not prevent the developer from having to pay into any improvements for surrounding intersections or other upgrades that aren't directly involved with the entrance. It doesn't keep them from needing to improve certain portions of West Denneys Road along the front of their subdivision. It doesn't do any of those things. It doesn't cut any corners. It doesn't shortcut a process or a safety factor or any of those kinds of design elements that need to get done. It merely looks at what's in the surrounding area, what DelDOT knows about intersections, what their existing traffic numbers say about those intersections, and determines does this project require further studies for those intersections? Do we know enough about them and do we know enough about how much traffic is going to be coming that we know what to anticipate and we know what to require that developer to do as part of this subdivision? That is the answer that they came up with at that meeting.

Dr. Jones stated that she is reading that DelDOT's decision is clear that a TIS is not required for this project. She would ask the applicant to address the concern that it may not be required but does that mean that it wasn't feasible. Responding to Dr. Jones, Ms. Scott stated that a Traffic Impact Study, in her experience, is only performed when the Transportation Department and/or the local jurisdiction require it. It is an expensive undertaking. She is not aware of, for the most part, applicants developing a piece of property are not going to perform that study unless DelDOT specifically requests it or the local jurisdiction does.

Dr. Jones stated that her concern would be that Mrs. Melson-Williams was privy to all of the concerns that were raised during the last meeting. she thinks that the minutes indicated that she pretty much went along with the decision or she sort of influenced the decision or she was not in opposition to the decision to not have the TIS. Responding to Dr. Jones, Mrs. Melson-Williams stated the City of Dover Planning Staff typically has a representative try to attend any kind of scoping meeting that occurs with a project. As mentioned by Mr. Barnett, there is a discussion of traffic in the area, what intersections are within so many intersections of the subject site, and any known issues in the area. In this case, we are talking about a State maintained road at the edge of the community. There was obviously a decision that there will be improvements made to the road section that's in front of the project site in order to accommodate the entrance and its various turn lanes. Planning Staff, in general, did not feel that a TIS would bear out anything that wasn't already going to probably happen as part of their entrance plan review process. There will be off-site improvements that are required for this project just like any other subdivision project. There are improvements that have happened over the years. Two of the closest main intersections are already signalized. So, if some of those DelDOT off-site improvements trigger paying into signal agreements and she thinks that one of those are actually mentioned in some of

their letters already, then those improvements and participation will have to happen. They are on the hook for making the necessary improvements on their segment of West Denneys Road. We do have other projects for development further to the east of here that have gone through the process and will be making intersection and their own entrance improvements. We cannot deal with things that were built a number of years ago such as the entrance to Carlisle Village; it is not in the City. But the additional subdivisions along that corridor that have already have been built, had to make improvements to the segment of road there. So they felt comfortable that them going the Area-Wide Study route was feasible in this instance because they would be still making improvements as required to meet this type of road segment for this type of entrance under the provisions that are established by DelDOT.

Mr. Hartman stated those improvements that are envisioned have mostly to deal with the aspect of just one entrance. It's not dealing with the amount of traffic at the 1,998 vehicles per day. Responding to Mr. Hartman, Mrs. Melson-Williams stated that she is not a traffic engineer. The improvements that they will have to design for their entrance are much more in the traffic engineering world. It deals with the section of road, the travel lanes, the need for turn lanes, deceleration and acceleration lanes, and the form of the road itself. There are a number of things that from a traffic engineering standpoint they will have to improve on this segment of the road. DelDOT would deal with how the rest of the roadway, if there are other additional improvements beyond the frontage of the subject site. You may want to direct a question to the applicant since they do have their traffic engineer with them this evening to understand a little bit more about how that Entrance Plan review process works and what types of improvements could be anticipated here.

Mr. Caloggero stated that he is with The Traffic Group and is the Vice President, Professional Engineer, professional traffic operations engineer, and a professional transportation planner. He has been doing projects in Delaware since 2000. He has worked very close with DelDOT and a lot of the local municipalities. He did, prior to this evening, his own independent study based on data that he could obtain. As they are going through the process for a Scoping Meeting, they will look at the peak hour trips. He knows that it has been mentioned about 2,000 daily trips but they are also looking at the peak hour trips. There are 116 peak hour trips in the morning and about 150 peak hour trips in the evening. The peak hour in the morning is typically one hour between 7-9AM and in the evening it is one hour between 4-6PM. They have a national manual and it's from numerous studies of different types of residential developments that will provide you calculations to determine how many trips this development would expect on a regular basis. They could be higher some days or they could be lower. But in general, these are the numbers that were calculated. When we look at 116 in the morning, it's 2 per minute; so, one car every 30 seconds. In the evening, it is 150; so it would be just over 2 per minute but less than 3 per minute. We look at that and we look at the roadway network. West Denneys Road has two traffic signals on either end of the development and that provides gaps. As the traffic signals allow traffic to come on West Denneys Road, they come in platoons and then there are gaps. That's when traffic can exit the site accordingly. It is great that there are two signalized intersections on each side. That, in itself, provides a necessary safety feature. Site distance is outstanding in this area. There is over 560 feet in one direction and 660 feet in the other direction. He is not saying that people travel at 60 MPH but it allows for people to make decisions if people traveling at 60 MPH on West Denneys Road and someone were to pull out. That safety feature is built in. They

did another evaluation based on traffic counts that they were able to obtain from DelDOT from 2019 and it shows what is called the volume to capacity ratio. This type of road based on national standards can accommodate 1,700 vehicles in 1 hour. Today, based on 2019 data, they had a maximum of 250 so the volume to capacity ratio was 15% in the worst peak hour of the road. So, there is plenty of available capacity for this development to utilize without over burdening this section of road. In his professional opinion, a lot of the reasons why a Traffic Impact Study wasn't necessary is that DelDOT had this information. They talked about it in the Scoping Meeting and he thinks they would have found acceptable levels of service. That is the reason that DelDOT requests a check. They pay them the money and they can take that money and use it for a different study that may have more needs than this area. He knows that it may not suit the needs exactly for this hearing today, but in general they are looking at that money and how can they maybe fix something else or can they study something that is really worthwhile to really make improvements that have an issue. Those are all the reasons why, in his opinion, that a Traffic Impact Study was not required. This is all information that DelDOT had at their fingertips that they provided to him.

Mr. Hartman asked if they could explain the 250 trips per hour a little more. Does that include the proposed development and all the five developments that are around there? Responding to Mr. Hartman, Mr. Caloggero stated that he looked at existing. He was provided traffic counts from 2019 in September when schools were in session. In the peak hour, there were 250 vehicles traveling in one hour along West Denneys Road between McKee Road and Kenton Road. That takes up 15% of the capacity of the road.

Mr. Reaves stated that where this development is and you talk about the lights that give a gap to the traffic; however, the traffic that comes down McKee Road over the bridge, there is no light there for that traffic to stop. It just continues on through that intersection. Responding to Mr. Reaves, Mr. Caloggero stated that on either end of the two major DelDOT roads, there are traffic signals.

Mr. Reaves stated that what he is saying is, the traffic that is going from McKee Road to Kenton Road comes around that curve. There is no traffic light that stops that traffic so it just continues through. The only traffic that would be stopped is the traffic that is waiting for a left turn. Everyone coming from McKee Road from the bridge would not be stopping so that would not give a complete gap in that particular situation. Responding to Mr. Reaves, Mr. Caloggero stated that from the amount of trips that are on that part of the road and he is going back to capacity, it is only 15% absorbed. So, there are a lot of other times where those gaps are available because it's not a free flow. It is not coming down Route 1 when there is a race and traffic gets backed up and you can't get in and out. They are looking at a two-lane road with traffic signals on either end. They kind of meter how traffic flows through the area and there is going to be natural gaps from those meters. There is not a lot of traffic volume on that road today as well; so, there will be gaps to turn left to come out.

Mr. Reaves stated that the traffic comes down from that road, all traffic does not stop at a traffic light. He needs to make that clear for the record. All traffic does not stop at two lights on either end of the road. You have to make that crystal clear. Let's just say for all intents and purposes, the traffic that comes from Delaware Tech does not stop at all at the traffic light. It has no

significance to the traffic that is traveling down that road at that particular time. There is no gap that is created by that traffic that comes from that direction. He also has a follow up to a question that was proposed to the applicant. The question was about communication to the existing homes in that particular area. What was the communication, if anything, with the residents that currently have properties in that area? Also, following up to that, what would be the impact to those residents during the construction and getting out to the road because there is a particular easement after the construction is completed? Responding to Mr. Reaves, Mr. Barnett stated that he is not sure of specific individual communication to those residents other than the public notices that were sent out on behalf of these meetings as well as the ones that were sent out approximately one year ago with the annexation was done to bring these parcels into the City of Dover.

Mr. Reaves stated that what he is trying to ascertain from the applicant is what type of impact would your development's construction create for those residents that are currently there and how do you plan to mitigate any inconvenience to those residents that are there currently? After the project is completed, how will they be able to access the road? Responding to Mr. Reaves, Ms. Scott asked if he was talking about the residents of Carlisle Village.

Mr. Reaves stated that he is talking about the existing properties that are in that location. Responding to Mr. Reaves, Mr. Caloggero asked if he meant the two single family homes that are going to stay?

Mr. Reaves stated yes. Responding to Mr. Reaves, Mr. Caloggero stated that there have been continual communications with the applicant and the developer with those individuals. Their access will be fully open and maintained through the construction process. As you can see on the screen as well, the nearest home will still have driveway access as work is being done behind them in the development. And then, the other residents to the west, their driveway will still have access to West Denneys Road the entire time. As West Denneys Road is improved, turn lanes are put in, the lanes are going to be widened, shoulders are going to be created, paved shoulders for bicycle and pedestrian traffic. As those things are done, those will be phased and DelDOT will do them under their standards. They will probably close one half of the lane down with flaggers as that work is done and it will be staged in segments so that they can still have full access at all times. He doesn't believe that any discussions have been made or any requests have been made for them to have any other access during that time.

Mr. Reaves stated that in regard to the traffic that comes from the Del-Tech side. Has there been any communication with DelDOT as far as changing that traffic regulatory symbol from a yield sign to a stop sign and how would that impact your traffic if that was the case? That would create a significant gap in traffic. Responding to Mr. Reaves, Mr. Caloggero stated that he isn't exactly sure where Mr. Reaves is referencing.

Mr. Barnett stated that the intersection of McKee Road and West Denneys Road is something that DelDOT did list in their correspondence. He thinks that it is included as Attachment B to the letter that he most recently provided that the developer will be required to aid in the improvements to that light and intersection at McKee Road and West Denneys Road.

Mr. Caloggero stated that the intersection in question was at Scarborough Road and DE Route 15/ McKee Road. They have what is a south bound free right turn and there was concern about the safety of that area. This is a great comment and this leads to why an Area-Wide Study Fee would be important because that Area-Wide Study Fee could be used to study this intersection which has a safety concern. But more than likely, that would not have been in their Traffic Study. That would be something to suggest that they let DelDOT know that maybe you would like to see that intersection studied for safety improvements.

Mrs. Welsh stated that she wants to express concern. Throughout this whole thing, she has had significant concerns about safety, as other people have mentioned, because she drives this road maybe four or five times a week. It is daunting. That “S” curve that is right where this development is planned. She read the information here that the single access point is the safest ingress and egress and she can see that. She can see that versus the two points. It also says that it will provide the safest ingress/egress to the site and maximize the use of the sight distance. To her, this is the safest that they can make it, but the unsaid thing was “safe”. She thanks them for the information about the 500 feet in one direction and 600 feet in the other direction because that gives a better understanding of the distance that it is there. She can see much more about the safety that you are providing for the entrance. Tonight’s meeting where Mrs. Melson-Williams said that DelDOT will be working to provide other road improvements. She hopes that with the turn lanes that she mentioned and maybe some other improvements that aren’t really on the table right now but could be on the table that will do a little bit more to alleviate the anxiety about the situation and where it is. She will say that she travels that road three to four times a week and it really is intimidating going around that curve. Responding to Mrs. Welsh, Mr. Barnett stated that as part of the entrance improvements and what they will be required to do to West Denneys Road immediately in front at the entrance there is, DelDOT’s discussion and the engineering hasn’t been done yet. But the curves will be softened a little bit as they widen it. It is the intent to make that a safer transition for people not just coming and going from the subdivision but the through traffic will also have further sight distances and the road grades and the widening of the lanes will make that a safer travelway as well.

Mrs. Welsh stated that the softening of the curves is exactly what she was hoping to hear. Responding to Mrs. Welsh, Mr. Barnett stated that they don’t have specific details on that yet just because it hasn’t been done but as they move forward with DelDOT that is what will be designed.

Mrs. Denney stated that she also sits on a Board for the County and frankly, many times when this type of discussion comes up, she is sitting here thinking, “DelDOT, great theory.” But in the practical application rarely does anybody do the speed limit. You can put up all the stop signs that you want and very few young people (i.e. college students) are running out of a class trying to get to a job or another class now at another campus. It used to be what they called in her young days the “California roll” but now they just run them. She lives on State Street and she could be a millionaire probably if every time somebody leaving college now especially coming or going, just didn’t stop. She just holds her breath, and it is not good for her blood pressure either. She really thinks that all of this sounds neatly buttoned up but the practical application of this is that there is a danger. She knows that the lawyers and the engineers, practical application is not what you apply but especially when you come out onto Saulsbury Road out of Kenton

Road especially at certain times a day. By the way, it is not what you guys consider peak hours. A lot of that is based upon when the classes get out. Trying to get from Kenton Road and merge on Saulsbury Road, these are issues that are huge and to her, they are dangerous. She just wants to add those comments. Not everybody that travels those roads are seasoned drivers either. (Note: It is unclear which roads she was referring to as Kenton Road and Saulsbury Road do not intersect.)

Dr. Jones stated that when Mrs. Melson-Williams gave her report regarding outcomes of City Council meetings, did you say that the Active Recreation Area has been approved? Responding to Dr. Jones, Mrs. Melson-Williams stated that as part of a review of a residential development, there is an Active Recreation Area Plan. That Active Recreation Area Plan is reviewed by the City Council Parks, Recreation and Community Enhancement Committee for their technical expertise related to active recreation. The Committee reports to City Council their findings and then those findings related to the Active Recreation Area Plan, (technically that Report) is adopted by City Council. As part of the Consent Agenda on the City Council Meeting of October 23, 2023, the Report from the Parks and Recreation and Community Enhancement Committee on this project's Active Recreation Area Plan was approved or accepted. That Active Recreation Area Report is part of the review packet that was provided to the Planning Commission. It focuses specifically on the active recreation components. In this case, they have a variety of amenities and meet the minimum size requirement for Active Recreation Area for a project of this size.

Mrs. Maucher noted that for Application S-23-19 Windward Ridge Apartments on West Denneys, a public hearing was conducted during the meeting of October 16, 2023; therefore there is no public hearing tonight.

Mrs. Welsh moved to approve S-23-19 Windward Ridge Apartments on West Denneys inclusive of the Waiver Request for the partial elimination of sidewalk and the Subdivision Waiver of the requirement for two connections to the public street, seconded by Mr. Cooper and the motion was carried 5-4 by roll call vote. Mrs. Welsh voting yes; as she said previously, she still have concerns safetywise and she is hoping that the plans that the applicant has for alleviating some of those concerns will actually come to fruition with the construction of this project. Mr. Cooper voting yes; for the reasons previously stated. Mr. Roach voting yes; for the reasons previously stated. Mrs. Denney voting no; she does have the same concerns with regard to safety matters and she would rather wait to vote on this with a yes vote once she absolutely have written on paper and in the plan, what steps are going to be taken, how and when. She doesn't feel like she can make a "yes" vote on a promise to do a little more and maybe fix a little more. She wants something that comes from DelDOT that says this is what's happening because it is truly in her opinion, even with the softening of the curve, that it is a public safety issue. We have accidents there all the time and they had testimony to that at the last meeting. People get hurt and people get killed. Mr. Hartman voting no; in recognition of what was just said. Mr. Baldwin voting yes; based on the Staff recommendation and the study from DelDOT to make this project happen. Dr. Jones voting no; she is not in favor because she does have some concerns as have been raised by fellow Commissioners and she would have thought that there would have been some kind of attempt to meet with those very concerned residents to alleviate some of their concerns and fears about the safety of that area. Mr. Reaves voting no; with regards to some of the concerns that

they have for the safety of that intersection and he also agrees with the understanding of having the concessions in writing as to what is going to be actually done as far as DelDOT and the softening of the curve and the line of sight that comes from the Kenton Road area. Mrs. Maucher voting yes; based on the DAC Report and the additional information provided by the applicant this evening and the clarification of the information available to us and she thinks that the suggested road improvements should alleviate a lot of the concerns. It is not going to cure bad driving but the applicant is doing what it can.

NEW APPLICATIONS

C-23-02 Mt. Zion AME Church Building Addition at 101 North Queen Street (and 107 North Queen Street) - Public Hearing and Review of a Conditional Use Site Plan for an addition (1,402 SF footprint) to the Place of Worship (Church) building. The subject properties are zoned RG-1 (General Residence Zone). The properties totaling 11,500 SF are located at the northeast corner of N. Queen Street and Fulton Street. The owner of record for both parcels is A.M.E. Church of Dover. Property Addresses: 101 N. Queen Street and 107 N. Queen Street. Tax Parcels: ED-05-076.08-03-37.00-000 and ED-05-076.08-03-38.00-000. Council District 4. *The site was granted a variance to increase the area permitted to be covered by buildings (Board of Adjustment Application V-23-04).*

Representative: Mr. Tim Metzner, Davis, Bowen and Friedel; Reverend Dr. Erika Crawford, Mt. Zion AME Church

Dr. Jones recused herself from this application as this is her church.

Mr. Roach recused himself from this application as this is his church.

Ms. Oehmke stated that this application is a Conditional Use Application to expand their conditional use on their building with an addition that has a 1,402 SF footprint. Last month, they went before the Board of Adjustment and were granted relief from the setbacks and impervious restrictions. The addition will house two floors of offices and multi-use spaces. It is connected to the sidewalk system. It is on a corner. There are two handicapped spots in front of the building as well as twenty-five spots across the street and an additional six spaces on the next corner down. The architecture of the building is consistent with what was built originally in 1959.

Mr. Metzner stated that he is here on behalf of Mt. Zion AME Church for the Conditional Use Site Plan Application for the building addition on the existing parcel. Also with him tonight is Reverend Dr. Erica Crawford. As was previously stated, they are proposing a 1,402 SF building addition onto the existing parcel. The addition provides additional office space and storage in the basement area. It is much needed for the current use. What they are also proposing is to bring the ADA entrance close to the street. As was previously stated, this is a corner lot and it has sidewalks fronting on both sides of the street. The ADA accessible parking spaces are on street directly in front and as you are looking at the screen, it is at the bottom right. There is the proposed ADA accessible ramp and then the parking spaces are directly to the right of that. The building addition is in the middle on the screen and it also provides the ability to keep the entrance into the building a safe and secured entrance. At the back of the sanctuary, the existing entrance that is to remain is at the top right corner of the screen. The existing ADA entrance was, as you are looking at the screen, where the proposed building is at the bottom center on the left

hand side. You had two separate entrances and from a safety standpoint that was a little concerning. So by adding this addition, it provides a more secured location for the entrance. Water and sewer services are City of Dover. This will need to be sprinklered so they will be providing sprinklers to the existing and proposed additions to bring it into the most current Fire Code. The existing architecture is brick and that is consistent with other churches in the immediate area. Their proposed addition will mirror the existing architecture as well. The addition remains within the same footprint (the outer footprint of the existing building). They are not encroaching any closer to the property line to the north or toward the road than what the existing building currently is positioned. The alley in the rear does have trash service there. They do have the trash receptacles in a fenced area hidden back there so the trash is handled in the rear. Per the DAC comments, the Church is not opposed to adding the additional bicycle spaces per the recommendation in the DAC.

Rev. Dr. Crawford stated that in addition to what was already shared, it will also allow them to have senior citizen bathrooms on the same level as the sanctuary which they are not able to do at this time. When our seniors leave worship, they cut through the entire sanctuary to use the elevator downstairs and sometimes it works and sometimes it doesn't. It will also allow them to have funerals at the church. They don't have a ramp that will allow caskets to come into the church. So for families that do not have people young enough to carry the casket, they cannot have their funeral in our church.

Mrs. Maucher opened the public hearing.

Ms. Sharon Mosley – 109 N Queen Street Dover, DE 19904

Ms. Mosley stated that she was listening to the gentleman explain the new addition and she thinks that he may have answered her question. Just for clarification, she noticed that there was a Variance granted for this particular project. Her question is, are there any changes in the distance between the property lines and our property which is north? Responding to Ms. Mosley, Mrs. Melson-Williams stated that yes, there was a Variance related to this application that was reviewed by the City's Board of Adjustment. That application was related to the amount of building coverage of the site. The Board of Adjustment increased the amount of area of the lot that can be covered by the main church building. For the project, as noted by Mr. Metzner, the building addition is not getting any closer to that north property line than existing church already is. If we go to one of the site plans, there is kind of a rear portion of the building that is closer to that north property line and the addition does not get any closer than that.

Ms. Deborah Fisher – (unknown)

Ms. Fisher entered a question into the chat. She is an owner or representative of a property in the area. She asked if the addition is two-stories. Responding to Ms. Fisher, Mrs. Melson-Williams stated sort of. It is very similar to the existing church where there is a basement level and then an elevated first floor section.

Mr. Metzner stated that there is a basement floor and then the first floor is actually elevated and then the addition is just the single floor matching the first floor of the existing building. But the first floor is elevated. The roof elevation is consistent with the adjacent properties but there is a basement and a single first floor.

Ms. Fisher asked if it was higher than the rear addition that is already there. Responding to Ms. Fisher, Mrs. Melson-Williams stated that it does appear that it may be slightly taller but it is not an additional story.

Mrs. Maucher closed the public hearing.

Mrs. Denney stated that she looks at this project and she thinks that it is a good project and it is good that the community needs more space and access for their handicapped and seniors.

Mrs. Denney moved to approve C-23-02 Mt. Zion AME Church Building Addition at 101 North Queen Street (and 107 North Queen Street), seconded by Mr. Hartman as he thinks that it is a good project and it is appropriate for the immediate area and should not have adverse impacts on the future developments and the motion was carried 7-0 by roll call vote with Mr. Roach and Dr. Jones recused. Mrs. Denney voting yes; according to her motion. Mr. Hartman voting yes; in agreement with the motion. Mr. Baldwin voting yes; for the project. Mr. Reaves voting yes; for reasons previously stated. Mrs. Welsh voting yes; for reasons stated. Mr. Cooper voting yes; for the reasons stated in the motion. Mrs. Maucher voting yes; based on the Planning Staff recommendations. It is a good project and she is particularly pleased to see the fire protection added to both the existing church and the new addition.

S-23-20 Cold Storage Warehouse at 451 Garrison Oak Drive - Public Hearing and Review of a Site Development Plan for a 165,000 SF Warehouse with associated site improvements. The site is located at Lot 8 of the Garrison Oak Business & Technology Park. The property is zoned IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center) and partially subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 2 Primary Wellhead Protection Area). The property of 11.53 acres is located on the south side Garrison Oak Drive. The owner of record is the City of Dover; and the equitable owner is SLS Equity Partners. Property Address: 451 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-08.00-000. Council District 3. *Waiver Requests: Partial Elimination of Upright Curbing and Reduction of Parking Requirement. For Consideration: Performance Standards Review Application. The site was granted two variances to reduce setbacks related to building height and to increase the maximum lot coverage to 71% (Board of Adjustment Application V-23-05).*

Representative: Mr. Jonathan Street, Becker Morgan Group

Mrs. Melson-Williams stated that this project is located at 451 Garrison Oak Drive. This is Lot 8 in the Garrison Oak Business & Technology Center. As shown on the screen, it's kind of in the northern portion of the interior loop of Garrison Oak Drive. The property is zoned IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center) and subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 2 Primary Wellhead Protection Area). The project does have a couple of Waiver Requests with it. One is the partial elimination of upright curbing which Planning Staff reviews related to stormwater management planning on the site. The second Waiver Request is for Planning Commission's consideration and that is for the reduction of the parking requirement for the project. The parking requirement in the IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center) is either based on a floor area rate or an employee count. Believing that the floor area count probably would govern

in the case of this, the rate would require 207 parking spaces. They are seeking a reduction of just about 50% to reduce that. Their plan is showing a series of vehicle parking spaces to the east of the building or to the left of the building for the regular vehicle parking. With this being a warehouse building, the southern edge or the part of the project to the bottom of the page is a truck dock system area where there are a series of truck docks at the building and then a series of truck and trailer parking spaces on the opposite side of the drive aisle. Access to the site is through two points linking onto Garrison Oak Drive. There is a drive aisle circulation around the entire building and through the parking lot areas. They are also providing bicycle parking as part of their project. This project did go through the Board of Adjustment for two Variances related to the project. One was related to building height. Specially, building height in the IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center) is governed by the distance of that building element to the property line. The Variance that they were granted will allow the building height of up to 100 feet to be less than that from the property lines. Specifically at this point, it looks to be 88 feet from the front yard and as close to 60 feet on the side yard. In addition, the second Variance that the Board of Adjustment approved for this project is to allow an increase in the maximum lot coverage from 65% to 71% for the property. With that increase in lot coverage, they will have to manage that in part with a stormwater management facility that is to be located on the project site. The overall industrial park has a regional system that manages a lot coverage of 65%. So they will have to do some quantity management for this project specifically. The project has existing sidewalks and will have connecting sidewalks leading into the site. There is a need for dumpsters on the site that they will have to identify for the project. It does have a tree planting requirements and they are fitting them with a good number of plantings along the southern area of the site which is open space and limited from further development because of a slight edge in the 100-year flood plain along that boundary. The project itself does also have building architecture that has been provided. It is a metal building that is rather tall with the central part of it being the area that is cold storage. There is a corner of the building that would serve more as office space and is more decorative in nature when it comes to the details of that architecture. The last item associated with this Site Plan is a Performance Standards Review Application. They have outlined in letter format their approaches to the series of objectionable elements and have determined that these are not expected with this type of project development. The Planning Office, in addition to the other DAC agencies, have provided initial comments on the project site. She will note that the Planning Staff in their recommendations has granted approval to that upright curbing waiver. They are recommending approval of the reduction of the parking requirement given the expected operations of this type of facility and they have found that the Performance Standards Review Application sufficiently demonstrates the intent to comply with those restrictions. They did note a potential concern with the building architecture. This is a very large building and may have large expanses of what appear to be blank walls but there may be ways to address that through material selections and/or color to animate that wall in other fashions. They have also noted that they encourage planning for electric vehicles. Our Code does not currently have requirements but it is always easier to plan for such infrastructure at the beginning during construction rather than later.

Mr. Street stated that what we are looking at here is our graphic representation of the Site Plan itself for what is known as a cold storage building. These facilities are usually regional. We will take a step back and kind of look at what a cold storage building is. These are regional centers

that distribution companies use to distribute normally food, but things that are stored cold to further the supply chain. Dover is kind of centrally located in the state and in the peninsula itself, but we are just far enough away from Philadelphia and the Baltimore area that they can use this as a jumping point to go further down the peninsula and use this kind of a transfer center. These centers are located throughout the country, but they are not located in every large municipality. They are usually centrally located. The 100-foot height is kind of a sweet spot that they use for not only their automation but their efficiency with heating and cooling of the area itself. To address one of the concerns from Staff was the building façade and this is probably the worst side of it because it's just a blank wall. What they have done is kind of integrated some colors on the vertical panels to kind of break that wall up itself. This side of the building that we are looking at actually addresses White Oak Road. The other side of the building with the large wall actually addresses the Garrison Energy Center and the Solar Park itself. So it is not visible from the DelDOT right-of-way of White Oak Road because it is tucked back in the facility itself. They have received all of Planning Staff's comments and the DAC comments. They don't have any objection to the comments themselves. They are fine with addressing those. As stated, the Variances were approved. The slide shows an example of one of the facilities. It is the Dole facility down in Georgia. You can see that large expanse in the center of the building. One of the reasons for the variance is truck parking. Truck parking is essential to these. The next slide shows one of the best kept secrets in Dover, the Hirsch Industries Factory on the intersection of Scarborough Road and McKee Road. They manufacture most of the filing cabinets that anyone buys across the country. They are a huge distributor. They have done a couple projects for them and one of their issues is trailer storage which is why they were asking for the Variance. They go to 71% impervious. The next slide shows Kraft Foods and the lower part of the screen shows trailer storage. Trailer storage is important to these kinds of facilities because they need those trailers to be there located on site. He knows with both of these facilities, they actually have trailer storage off-site as well. If you drive south on Route 13, you may notice on the northbound side that there is an empty storage facility for nothing but trailer storage. It is not associated with any facility; it is just in the middle of the County. The next slide shows the same type of facility located in Washington State. Again, you have a large white box and it is hard to get away from this type of facility because they use the white to reflect more sunlight than absorbing it because they are using it for cold storage. Again, you can see trailer storage and parking on the site itself.

Mrs. Melson-Williams stated that the image in the hand-out was what was included in the visual on screen that shows an ombre affect to the paneling in that it goes from white to various shades of gray. That is shown on the north elevation and then wrapping around on the site elevations as well.

Mrs. Maucher asked if there was an estimation of how many truck trips there will be per day. Responding to Mrs. Maucher, Mr. Street stated that the ITE which is the National Traffic Organization that they use to generate these estimations of traffic, it estimated somewhere in the neighborhood of 640 trips. The Garrison Oak Technical Park is a City road. So the Technical Park has two entrances onto the DelDOT road itself. It estimated 600+ trips.

Mrs. Maucher asked if that number was per day. Responding to Mrs. Maucher, Mr. Street stated yes, that is in and out.

Mrs. Maucher asked if there was an estimation of the full time jobs that might be available. Responding to Mrs. Maucher, Mr. Street stated that the numbers aren't hard yet. They are somewhere in the neighborhood of 40-50. You have office staff and you have the staff that operates and utilizes the warehouse itself, but those numbers aren't finalized yet.

Mrs. Maucher stated that she knows that there was a question about electric vehicles but what about other renewable technologies. She thinks the State just passed a law for buildings over 50,000 SF have to be solar ready. She didn't know if there was any intention for other renewable technologies, especially with that vast expanse of rooftop. Responding to Mrs. Maucher, Mr. Street stated that that has been discussed to make it solar ready. A comment came from Staff because of previous projects with higher electricity costs. That has been discussed but again, they are in early stages of the planning process itself. They are in step 1 and that comes later in step 2, 3 or 4.

Mrs. Maucher opened the public hearing.

Mr. Zack Prebula - Kent Economic Partnership

Mr. Prebula stated that the Kent Economic Partnership recently commissioned a study that they call the Rockport 2.0. It identified the target industries shaping the future for Kent County and Dover. The study identified warehousing and logistics as major players in the economic landscape for Dover. Through their office, they have seen numerous requests for large warehousing and logistics spacing but their current inventory falls short. A lot of the local companies in the area will go to other states like Maryland and Pennsylvania for their cold storage needs. They firmly believe that these Site Plans and Waiver Requests are instrumental in positioning Dover to thrive in the warehousing and logistics sector. They respectfully ask the Planning Commission to approve this project.

Mr. Dave Sweeney – representative of Protective Properties, LLC (115 Garrison Oak Drive)

Mr. Sweeney stated that he is the managing partner of Protective Properties, which owns Lot 13 and is the business manager for Advantech at Garrison Oak Technology Park. He does have a few questions on the project. He saw the renderings that were provided. Certainly, with a building of that size and purpose, there is going to be a significant amount of cooling equipment. Where is the intent to place the cooling equipment. Responding to Mr. Sweeney, Mr. Street stated that typically the cooling equipment for these buildings is located on the roof.

Mr. Sweeney asked if that was taken into account with the variance request for the height. Responding to Mr. Sweeney, Mr. Street stated yes.

Mr. Sweeney stated that he see that they have done some planning on the truck parking and he appreciates the commentary that was provided. Will the truck parking on property be open 24/7? Currently there is a challenge with tractor trailer traffic in the business park essentially after hours with them parking on the road. Responding to Mr. Sweeney, Mr. Street stated that he doesn't know the operating hours. The facility, as they have planned right now is gated for everything in the back, but he doesn't have an answer on the operation hours for the facility itself.

Mr. Sweeney stated that he would like the Commission to recognize that as the Technology Park is migrating from a facility or a park focused on technology manufacturing to eventually warehouse and distribution, it needs to ensure that it doesn't have stacks and stacks of tractor trailers clogging up the road that serves all of the other tenants in the park. Responding to Mr. Sweeney, Mrs. Melson-Williams stated that the streets of Garrison Oak Technical Park, (Garrison Oak Drive) are only for travel. It is not wide enough for tractor trailer parking. There has been an issue out there that the City has strived to address from that enforcement perspective, but that road section was not designed for on-street parking of truck facilities.

Mr. Street stated that that is why the tractor trailer parking is so important. That is why we went for the Variance to get the additional space so that they could have additional parking.

Mr. Sweeney stated that he couldn't agree more with Mr. Street. He thinks that it is a very astute point as long as the tractor trailer parking is available when the tractor trailers arrive. What he sees in other business parks throughout the country is that the tractor trailers que up when they arrive at whatever hour of the day that they arrive. He thinks that it would be relevant to ensure that some of that parking was accessible when the trucks arrive. You also referenced traffic which he thinks was a large quantity of projected trips. He realizes that they are using estimates provided by industry experts. When they developed their parcel in the industrial park, they went back and forth with DelDOT on numerous occasions to confirm a Traffic Impact Study was not required and they were told that they were essentially the last trip that would be allowed under the limit of requiring a Traffic Impact Study. Has a Traffic Impact Study been performed for the Technology Park to support this plan or any of the other? Responding to Mr. Sweeney, Mrs. Melson-Williams stated that the park overall had initial construction of its entrances onto White Oak Road under a DelDOT review process. The process established a threshold for at a certain point of traffic generation that there will be a requirement for a Traffic Impact Study and the City has been in recent conversations with DelDOT about where we stand with traffic generation based on the lots that have been developed and are proposed for development. The City is working through that. The City would be the one that would need to complete a Traffic Impact Study which would identify if there are additional improvements that are necessary to White Oak Road to carry the traffic generation of this overall industrial park. It would not be the burden of an individual facility. The City Manager's Office and Planning Office have been in conversations with DelDOT Planning Staff regarding that matter.

Mrs. Maucher closed the public hearing.

Mrs. Welsh moved to approve S-23-20 Cold Storage Warehouse at 451 Garrison Oak Drive in addition to the Waiver Request for the partial elimination of upright curbing and the reduction of the parking requirement and also including the Performance Standards Review Application, seconded by Mrs. Denney and the motion was carried 9-0 by roll call vote. Mrs. Welsh voting yes; the project looks to be well thought out and it complies with the zoning. Mr. Cooper voting yes. Mr. Roach voting yes. Mrs. Denney voting yes; she believes that it is an appropriate project for that area and very well thought out. She thinks that they pretty much covered all of the bases. Mr. Hartman voting yes; based on the DAC Report and the presentation by the applicant. Mr. Baldwin voting yes. Dr. Jones voting yes. Mr. Reaves voting yes. Mrs. Maucher voting yes;

based on the DAC Report.

S-23-21 BHD Operations Facility at 250 Garrison Oak Drive - Public Hearing and Review of a Site Development Plan for a 6,000 SF Office Building with 4,000 SF Truck Maintenance Garage, parking and storage area for collection trucks and containers, a refueling station, and with associated site improvements. The site is located at Lot 11 of the Garrison Oak Business & Technology Park. The property is zoned IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center). The property of 10.755 acres is located on the west side of Garrison Oak Drive. The owner of record is Trash Gurls, Inc. Property Address: 250 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-11.00-000. Council District 3. *For Consideration: Performance Standards Review Application.*

Representative: Mr. Jim Eriksen, Solutions IPEM; Mr. Paul Pierce, President of Blue Hen Disposal

Mrs. Melson-Williams stated that this is another Site Development Plan that is a little bit further west in the Garrison Oak Business and Technology Center on Lot 11. If you take the first entrance to Garrison Oak Drive this lot will be between the Uzin Utz Manufacturing Facility and the Solar Park field. This address is specifically 250 Garrison Oak Drive. It is zoned IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center). In this case, it is also subject to the Performance Standards Review Application. This is noted as an office building with truck maintenance garage. BHD is Blue Hen Disposal; however, this is an operations facility meaning the trucks live here when they are not out collecting trash and/or recycling. Trash and recycling are not brought to this location for disposal. It goes to the appropriate disposal and landfill entities. The trucks leave here in the morning or at some point during the day and then come back empty to park here overnight. The office facility also had two areas of parking. There is a small area on the south side and then a larger vehicle parking area to the north which is up on the plan that would allow for employee parking. The trucks themselves are in a work yard area and the truck maintenance facilities is accessed from that work yard. Additionally, there is a diesel refueling station, specifically for these trucks. So, the maintenance and refueling is for their fleet only. The project has sidewalks already along the frontage and connecting sidewalks leading into the project site. There is not a loading space requirement based on the size of this building, but they are also providing bicycle parking opportunities at the project site. The project does have the two connections to Garrison Oak Drive. One is meant to really serve the truck entrance and the work yard and the other one to the vehicle parking area. They are managing their own dumpster collection process here on the site for just what is generated here. From a landscaping standpoint, they are concentrating most of their plantings to the western portion of the property. There is some areas in that location that are also within the floodplain but their development does not include those areas in particular. Planning Staff did provide review comments as did the other regulatory agencies regarding this project. They also submitted a rather detailed Performance Standards Review Application narrative that really describes how this site functions and that the objectionable elements are not anticipated for this site. Planning Staff has found that it sufficiently demonstrates the intent to comply with those restrictions of our Code.

Mr. Eriksen stated that as always the City Staff has done a great job putting together a very comprehensive report for this application. He just wanted to provide a little more detail for

benefit of the Commission as they consider this application. As Staffed has already described, this application is to provide for the maintenance and operations facility for Blue Hen Disposal. The Site Plan shows a 6,000 SF office building with an attached 4,000 SF maintenance garage. The site also has a large fenced in area for parking with collection vehicles as well as storage for containers. It is important to note that there will be no storage or disposal of the collected waste on the site. Generally, the drivers will come into the site in the morning, pick up their collection vehicles, run their collection routes, and then all waste collected throughout the day will be taken to a landfill or a Delaware Solid Waste Authority transfer station prior to the trucks returning to the facility. Then the drivers will leave for the evening. Additionally, there will be a corporate office and maintenance garage with administrative staff and mechanics who will work onsite during normal business hours. The screen shows an aerial image of the site vicinity. The site is located on Garrison Oak Drive and the parcel is an individual lot within the Garrison Oak Business and Technology Center Subdivision which is a business and technology park. The next slide shows a little bit more of a zoomed in area. As you can see here, there are existing entrances to the Park that were installed with the development of the Park itself. The parcel is zoned IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center). The proposed plan is a permitted use within the IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center) and the use is in character with the adjoining parcels' anticipated or existing use within the park. The next slide is taken out of the *Comprehensive Plan* and it shows that the parcel is shown as an Industrial use within the Land Development Use Map. The next slide shows the *2020 Delaware State Strategies Map* and it identifies this parcel an Investment Level 2. Area. There is a small finger of Out-Of-Play Area that comes up in the existing ditch along the rear of the parcel. With all of these items considered the parcel is appropriate for development for the proposed use. The development primarily consists of parking areas; both traditional parking towards the front of the site as well as a yard area in the rear of the site for parking and collection vehicles and container storage. The rear area is accessible by a large gate and the garage and fuel tanks will only be utilized by the Blue Hen Disposal vehicles. Fuel tanks will be designed and installed in accordance with all applicable Delaware State Fire Marshal's, City of Dover and Delaware Department of Natural Resources regulations. The next slide shows the landscaping plan and you can see that there is a fenced in area around the yard area for security purposes and there will be landscaping provided along the rear of the property as well as the southern side yard area. He just wants to point out that the northern side yard area is not showing any landscaping and that is to avoid any potential interference with the operations of the solar farm which is on the adjoining parcel. The site provides adequate parking for the use and also has an area for bike parking. The impervious area coverage for the site is within the maximum coverage allowed in the IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center) and adequate lighting is provided in both yard areas as well as the typical parking areas. Their application did include a detailed compliance statement for the Performance Standards Review portion of the Code. He doesn't want to spend too much time going into details on those items but he can certainly answer any questions. He also wants to note that there is a Phase II area shown on these plans and he just wants to clarify the intention is to have that area inside the fenced in area from the beginning but it is simply not to put in the pavement millings or other improvements within that footprint. It will be engineered with the development of the Site Plan, but it will be shown as a Phase II to be completed at a future date when the developer deems it appropriate. To wrap up his presentation, the Site Plan generally complies with or has the ability to comply with the City of Dover

requirements. There were some agency comments during the DAC Review but the comments may be addressed with relatively minor site plan adjustments or additional notations and details that will be provided during the engineering of the Site Plan.

Mrs. Denney stated that she is naïve to the industry. Obviously it says that there will be no odor or oil. Once they dispose of the solid waste, do they go through some process to be cleaned? Responding to Mrs. Denney, Mr. Eriksen stated yes. It is not necessarily daily but it is obviously frequently. All of the gunk and junk at the bottoms of the truck would create bigger maintenance for the company; so, it obviously behooves them to clean it regularly in addition to just obvious general cleanliness as well.

Mrs. Denney questioned that not every night are they returning already washed. Responding to Mrs. Denney, Mr. Pierce stated that he is the President of the Blue Hen Disposal's local operation in Camden and he is looking to move out to this location. They don't clean inside the trash body of the truck as often. When that stuff gets pushed out, it is so packed in there and it basically forces everything out of the back of the truck. Now there are areas that collect inside and his guys open up doors on the side and clean them out on daily basis. If that stuff packs in the backs of the trucks, it causes more maintenance problems than anything. Outside gets maintained more frequently. The inside, there is really nothing left once it goes to the landfill or recycling center.

Mrs. Maucher asked if that occurs at the site or does it occur somewhere else? Responding to Mrs. Maucher, Mr. Pierce stated that it occurs at the landfill. When they push the material off, they actually have a spot at the landfill for the trucks to clean out while they are still there.

Mrs. Maucher asked where the exterior is done. Responding to Mrs. Maucher, Mr. Pierce stated that it would be done at the site.

Dr. Jones asked if there is an anticipated number of new employees. Responding to Dr. Jones, Mr. Pierce stated that they currently have 26. They started out 7 years ago with maybe 4 employees and now they are up to 26. They run 15 collection trucks every day. 15 of them are drivers and the others are mechanics and office staff.

Dr. Jones asked that with a new facility, are you going to maintain basically where you are? Responding to Dr. Jones, Mr. Pierce stated that they are always looking to expand.

Mrs. Maucher asked if they were closing the current site. Responding to Mrs. Maucher, Mr. Pierce stated yes.

Mrs. Maucher asked if the refueling tanks are going to be under ground or above ground. Responding to Mrs. Maucher, Mr. Pierce stated that it is a 20,000 gallon above ground tank.

Mrs. Maucher asked for the maintenance yard, is that inside or outside? Responding to Mrs. Maucher, Mr. Pierce stated that it is inside. Three shop bays are within that building for the trucks to pull in to be repaired and then they will go out into the parking area when they are done.

Mrs. Maucher asked if there was containment for any oils, grease or things like that. Responding

to Mrs. Maucher, Mr. Pierce stated yes.

Mrs. Maucher opened the public hearing.

Mr. Zack Prebula - Kent Economic Partnership

Mr. Prebula stated that he is the business developer and he focuses a lot on the business retention and expansion for Kent County. This is a great example of Delaware companies expanding. This would be a good use of the business park as it shows that they are here to help support the local companies in any way that they see fit. They ask the Commission to please support this project.

Mr. Dave Sweeney – representative of Protective Properties LLC (115 Garrison Oak Drive)

Mr. Sweeney stated that he has a couple of quick questions. The cleaning question was going to be a question of his as well. You focused on the cleaning of the trucks but did you also reference that there will be containers stored here. He is envisioning kind of a dumpster or a construction container. Responding to Mr. Sweeney, Mr. Pierce stated yes, they have approximately 136 large construction dumpsters. Most of those are out at customer's locations so between 30-50 of those containers would probably be stored onsite but as empty containers.

Mr. Sweeney asked if they would be cleaned onsite. Responding to Mr. Sweeney, Mr. Pierce stated that they don't wash them out. They get dumped at the landfill like the trucks do.

Mr. Sweeney asked what their plans for Phase II are. Responding to Mr. Sweeney, Mr. Pierce stated that would just be for as the company grows, additional truck parking, and container storage.

Mr. Sweeney asked if they know how many trips they plan to estimate a day. Responding to Mr. Sweeney, Mr. Pierce stated that he thinks it is 135 trips. They run 15 trucks a day and there are 26 employees. The employees would come to work, drive their truck, bring their truck back and then the employees would depart.

Mr. Sweeney stated that he knows he asked this question previously but he was going to ask about a Traffic Impact Study. We just talked about an estimated 600 tractor trailers a day into the park from the previous applicant and now another 135 trips that are not all tractor trailers. White Oak Road as it sits today can't handle that traffic. Responding to Mr. Sweeney, Mrs. Melson-Williams stated that she will also note that for this application that for the overall industrial park there is a threshold at which time a Traffic Impact Study must be completed to the satisfaction of DelDOT and the appropriate steps taken for any identified improvements. The City Manager's Office and the Planning Office has been meeting with DelDOT in regards to that question of where we are with trip generation based on existing built and proposed builds in the Garrison Oak Business and Technology Center.

Mr. Sweeney stated that it seems a little out of order but he appreciates the presentation. It looks like a very nice site.

Mrs. Maucher closed the public hearing.

Mrs. Welsh moved to approve S-23-21 BHD Operations Facility at 250 Garrison Oak Drive inclusive of the consideration of the Performance Standards Review Application, seconded by Dr. Jones and the motion was carried 8-0 by roll call vote. Mrs. Welsh voting yes; it seems to be great that the company is expanding and moving to a new location. It seems to be a good use for the business park. Mr. Cooper voting yes. Mr. Roach voting yes. Mrs. Denney voting yes; she thinks it's a great project and she thinks it fits well. She used to manage the Town of Camden and when she see this growing, she thinks it's a wonderful thing. Mr. Hartman voting present. Mr. Baldwin voting yes; based on previous statements. Dr. Jones voting yes; congratulations on the growth. Mr. Reaves voting yes; based on previous statements in the motion. Mrs. Maucher voting yes; based on the DAC comments and Staff review comments.

NEW BUSINESS

Meeting adjourned at 9:33 PM.

Sincerely,

**Kristen Mullaney
Secretary**