

**CITY OF DOVER PLANNING COMMISSION  
FEBRUARY 20, 2024**

The Meeting of the City of Dover Planning Commission was held on Tuesday, February 20, 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, Mr. Roach (virtual), Mr. Witham, Mr. Baldwin, Mr. Reaves, Mrs. Welsh (virtual), and Mrs. Maucher. Mrs. Denney and Dr. Jones were absent.

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 Mr. Baldwin and the motion was carried 7-0 with Mrs. Denney and Dr. Jones absent.*

**APPROVAL OF MEETING MINUTES OF JANUARY 16, 2024**

*Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of January 16, 2024, seconded by Mr. Baldwin and the motion was carried 7-0 with Mrs. Denney and Dr. Jones absent.*

**COMMUNICATIONS & REPORTS**

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, March 18, 2024, 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 January 22 & 23, 2024 and February 12 & 13, 2024.

Mrs. Melson-Williams stated that we do continue to have a number of positions that are open, as do a number of other City Departments. Check out the City's website about opportunities if you know of someone who may be qualified and looking for a position with the City of Dover.

Mrs. Melson-Williams stated that included in the packet was a series of education and training opportunities for Planning Commission members. There are two upcoming courses that are offered by the University of Delaware's Institute for Public Administration. If you are interested in attending, please reach out to the Planning Office and they can get you registered. There is one session tomorrow which is an "Intro to Land Use Administration" that is scheduled for tomorrow morning at the Kent County Levy Court Building. There is one coming up on March 20, 2024, that is related to "Freedom of Information Act (FOIA) and Ethics for Local Officials". If you are interested in either one, please reach out to the Planning Staff.

**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**

MI-24-01 Comprehensive Plan Amendment 2024 - Consideration of Amendment to Map 12-1: Land Development Plan Map - Public Hearing and Review for Recommendation to City Council on an Amendment to the *2019 Comprehensive Plan* with consideration of a request for amendment of Map 12-1: Land Development Plan to revise the Land Use Classification of the property located at 1079 Silver Lake Boulevard. The Request is to revise the Land Use Classification from Office to Mixed Use on Map 12-1: Land Development Plan Map. The property is located at the eastern terminus of Silver Lake Boulevard. Property Owner: Dover Federal Credit Union and equitable owner Charles Chiang. Property Address: 1079 Silver Lake Boulevard. Tax Parcel: ED-05-067.12-02-04.00-000. This is associated with Rezoning Application Z-24-02. Ordinance #2024-03. Council District 4. *The First Reading of the Proposed Ordinance was held on January 22, 2024 and Public Hearings were scheduled for Planning Commission on February 20, 2024 and City Council on March 11, 2024.*

**Representative:** Mr. Kyle Burchard, Mountain Consulting

Mrs. Melson-Willaims stated that this application is a Comprehensive Plan Amendment for the consideration of an amendment to Map 12-1: Land Development Plan. It is regarding a specific property and that is the property at 1079 Silver Lake Boulevard. It is located at the terminus of Silver Lake Boulevard. You can see on the Exhibit Map; the property location is shown in yellow. Each year, there is an opportunity for individuals to ask for amendments to our *Comprehensive Plan*. That filing deadline happens in December of each calendar year and then begins a review process in early January. The first step with a *Comprehensive Plan* Amendment is actually submission of the amendment request through the Preliminary Land Use Services review process. That review process for this application happened on January 24, 2024. We did receive the comments as a result of that meeting today. They have been provided both electronically and in hard copy to our Planning Commission members on their desks this evening. Those comments show in general, no objections to the request with some guidance about future development on the property should that occur. This request for Comprehensive Plan Amendment makes a change to what is known at the Land Development Plan Map. This is a very colorful map that shows various land use categories throughout the City for all properties. This location currently has a land use classification of Office. It is shown in a brown color. They are proposing to make that land use classification Mixed Use. You can see on the Exhibit image the current designation and then proposed designation. With the *Comprehensive Plan*, the Land Development Plan identifies the land use categories and actually includes portions of the text of the *Comprehensive Plan* that talks about the goals of each of those land use categories. The Planning Commission was provided excerpts from the *Comprehensive Plan* focused on Office Parks related to its current land use classification and then the goals of the Mixed-Use land use category. With this location, the proposed change is to a Mixed-Use land use category that then presents a series of different opportunities for zoning of the property which is the accompanying application that we will address in a few moments. Tonight, the Planning Commission will be

making a recommendation in regards to this Comprehensive Plan Amendment. It will then go to its own separate hearing with City Council for final action. As part of the Development Advisory Committee Report, the Planning Staff has provided a recommendation for this Comprehensive Plan Amendment. They are in support of the change of the land use classification to Mixed Use, finding that they feel it's consistent with the development of the immediate area. They see a mix of use activities: office, institutional, and residential along this corridor. The Mixed Use land use category offers a broader range of zoning districts in the long run that would include that mix of commercial and residential. The change would also allow consideration of future zoning classifications that broaden the commercial uses of the property to include more of the retail and service sectors than what its current zoning would allow. We do note that the property is adjacent to Silver Lake and there are provisions of *Zoning Ordinance* ultimately that will help protect the lake, because there are provisions related to stormwater management, required buffers from the lake and the flood plain and wetland areas, and also other opportunities for improvement of public access to the lake.

Mr. Burchard stated that the application for this Comprehensive Plan Amendment change is very well versed already in the record. He does not have anything more to add to it at this time.

Mrs. Maucher opened the public hearing.

**Mr. Edward Dougherty – 937 Silver Lake Boulevard Dover, DE 19901**

Mr. Dougherty stated that he is part of the Board for Silver Lake Townhouses. One of the first things that he noticed with your map is that it was inaccurate. Going back to the first map shows a block of land that is blank and shouldn't be there. The school is right next to the development that went in about five years ago. He doesn't know what that land is there because the parking lot for the school is adjacent to that development. There is no parking lot there indicated for the nursing home that is there or for the bank that is on the right. He doesn't know why that is all missing. That really drives his point home that the density situation for that cul-de-sac is hardly a corridor at all because it's a dead-end. If you are going to change the zoning there, you are going to have more people coming up and down that highway. They just fixed the bridge there but they did not put fences on either side of the bridge; so, that is sort of an indication that we don't really need more traffic coming up and down that highway. Also, when they put the units in; there are about 64 units there which is a lot of families living in those units. Already, he walks his dog up and down Silver Lake Boulevard and the 25 MPH speed limit is not being adhered to. Again, with more cars, that would cause a little more of a safety issue. Along with that, the natural area is constantly used by wildlife and that would be eliminated by any kind of building there. Can anyone tell him why that area is all blanked out? Responding to Mr. Dougherty, Mrs. Melson-Williams stated that the map (that is shown on the screen) does not show the improvements on each of the adjacent parcels. What it is showing is a parcel map. The lines that you see are the public street network and then also the boundaries of the individual properties. It does not show the parking lot areas nor is it intended to do so. It is basically our Zoning Map. You can see that there are little letters that are on it and that is all that it is really intended to show is the property line boundaries and then the boundaries of the Zoning Map.

Mr. Dougherty asked if Mrs. Melson-Williams indicated that the Planning Commission has already agreed to do this or is in favor of it? Responding to Mr. Dougherty, Mrs. Melson-

Williams stated that the Planning Staff has recommended approval of the Comprehensive Plan Amendment which is the first step for this project. The Planning Commission, this evening, will make a recommendation. Then City Council will have their own hearing and they are the final acting body that takes action on this request. At this point, we have one recommendation and then the Planning Commission this evening will be making a recommendation as well.

Mr. Reaves stated that this property is currently zoned as Office. If this property was developed as office space, would that still interfere with what your concern is? Responding to Mr. Reaves, Mr. Dougherty stated that he is not opposed to the original zoning; it's the change. He really doesn't understand what they mean by Mixed Use. What is it going to be? What's the plan? That is his concern.

**Resident – unknown name and address**

Resident stated that she had a few questions on the Mixed Use for Silver Lake Boulevard. Mixed use, commercial and residential; are there restrictions? What type of commercial and residential are being considered? Are there restrictions on the commercial use? What type of residential components are we talking about? Is this a home ownership? Are these rentals? Is this federally funded housing? What are the details that are being considered? Responding to the Resident, Mrs. Melson-Williams stated that this request for Mixed Use is a land use category. It is a category that then allows consideration of a number of different zoning districts. The zoning districts themselves is where you find the allowable uses. The uses could be a variety of commercial uses and/or residential uses. The *Zoning Ordinance* does not prescribe the type or form of ownership. That is not something that this Commission can regulate; whether it's homeownership, rental or any kind of income targeted project. It is a land use category that is a vision piece of the *Comprehensive Plan*. The goals for Mixed Use areas are to focus on a mix of activities; both commercial and residential. It's neighborhood centers. It could be areas that are pedestrian friendly and that have a streetscape and provide services in a general area. But it is a focus on a mix of uses; both commercial and residential.

Resident stated that it sounds like you don't have details on the uses which would leave the community kind of open on being able to make a sound decision on whether they support or don't support what type of commercial uses directly affecting the community at large and what type of housing could affect homeowners in the area. Details are just very important in a *Comprehensive Plan*. She understands that there is a mix of zonings to create and promote activity in the community which is always great but she guesses somewhere down the line, details would be needed to make a sound decision on whether one would support the project. Responding to the Resident, Mrs. Melson-Williams stated that would be correct. For the Comprehensive Plan Amendment, it is kind of a vision piece. Their associated application for Rezoning does identify a specific zoning district and then we can discuss the types of uses that would be allowed in that zoning district. There is a variety that could still fit that Mixed Use category. But they will be requesting a specific one and that is the next application to be considered this evening.

**Ms. Niko Brady – resident at Silver Lake Townhomes**

They asked in the chat online if further details would be provided regarding the plan for Mixed Use. Will this include housing or restaurants?

Ms. Brady stated that the statement that Mrs. Melson-Williams just made does answer the questions that she had. It sounds like the next item on the agenda will address more of the zoning items, which will provide more detail.

Mrs. Maucher closed the public hearing.

Mr. Reaves stated that in reference to Page 3 of the ~~Green Mountain~~ (Mountain Consulting) proposal, the statement of consistency with the goals of the *Comprehensive Plan*, could Mr. Burchard speak to clarification for the Commission and the audience, just a little bit about what your goals are here. Responding to Mr. Reaves, Mr. Burchard stated that the goals of this application are to make the land more malleable for a mix of uses. There will be additional steps in this process which will require the more detailed review of plans that have not been developed for review by the Commission and for public hearing. There is a shortage of details at the zoning level of things. He understands that that's the case.

Mr. Reaves stated that in your statement it talks about providing far more local community benefits, benefits to residents as this being a service to the residents, and how that was shaping for this project. Responding to Mr. Reaves, Mr. Burchard stated that the vision is to make this somewhat of a more neighborhood community central type of place. The exact form of that is not yet set, but it is the intent to bring together uses that are complimentary to themselves within the development as well as the use of the neighborhood and the community.

Mr. Witham stated that he recognizes that this is the first step in the process of a multi-stage planning consideration for whatever project you intend to develop. Some of the questions that you may hear may be appropriate for later on. But have you or the owner consulted with those entities, either public or private with respect to what your goals are in the area? Who have you reached out to, to talk about your goals for the property? Responding to Mr. Witham, Mr. Burchard asked if he was asking if there are some groups within the local community that have been reached out to, to see that the goals of the development are in line with that local community? There has been an interest in reaching out to the community at the zoning level. They received advice that at that level, it's not appropriate to try to bring forth details and resolutions and to work through that with the local community ahead of that zoning step. Given that there are numerous steps in the development process as you have mentioned that are yet to be, that have to get scrutinized and worked out, and engineered and designed. That's how we approached it. In a way, there is some catch-22 to be able to move forward with the time, expense, the design consideration, the interactions to understand what are the details that serve the community and also the development. They have to get through a rezoning step. The limitation of the existing zoning as Office precludes any more versatile function of the land to the benefit of the community other than office. So, Office was just seemingly curtailing the ability to make that type of development possible.

*Mr. Witham moved to recommend approval to City Council for MI-24-01 Comprehensive Plan Amendment 2024 - Consideration of Amendment to Map 12-1: Land Development Plan Map for the reasons set forth on the record and in the Planner's comments, seconded by Mr. Reaves and the motion was carried 7-0 by roll call vote with Mrs. Denney and Dr. Jones absent. Mr. Witham*

*voting yes. Mr. Baldwin voting yes. Mr. Reaves voting yes; for reasons stated previously. Mrs. Welsh voting yes; it is in compliance with the Comprehensive Plan. Mr. Cooper voting yes; based on Staff recommendations. Mr. Roach voting yes. Mrs. Maucher voting yes; based on Staff recommendation.*

Z-24-02 Lands of Dover Federal Credit Union at 1079 Silver Lake Boulevard - 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 CPO (Commercial Professional Office Zone). The proposed zoning is C-2A (Limited Central Commercial Zone). The property is located at the eastern terminus of Silver Lake Boulevard. Property Owner: Dover Federal Credit Union and equitable owner Charles Chiang. Property Address: 1079 Silver Lake Boulevard. Tax Parcel: ED-05-067.12-02-04.00-000. This is associated with Comprehensive Plan Amendment Application MI-24-01. Ordinance #2024-04. Council District 4. *The First Reading of the Proposed Ordinance was held on January 22, 2024 and Public Hearings were scheduled for Planning Commission on February 20, 2024 and City Council on March 11, 2024.*

**Representative:** Mr. Burchard, Mountain Consulting

Mrs. Melson-Williams stated that this is the associated request for Rezoning of the property as the lands of Dover Federal Credit Union at 1079 Silver Lake Boulevard. The property is just over five acres in size and is presently a vacant tract of land. The current zoning is CPO (Commercial Professional Office Zone) and the proposed zoning classification is C-2A (Limited Central Commercial Zone). With this, the Planning Commission will be making a recommendation on the Rezoning which will be forwarded to City Council for their own public hearing and final action. We do find a vacant tract of land at the terminus of Silver Lake Boulevard. Surrounding this property are a number of different zoning districts that already exist. Its neighbor, where the assisted living facility is located is zoned IO (Institutional and Office Zone) and a little further west, the Middle School also has that zoning classification. To its south is the Dover Federal Credit Union property that is zoned CPO (Commercial Professional Office Zone). There is an existing office building there. As you move back along Silver Lake Boulevard, you come to the residential areas. One of which is zoned RM-1 (Medium Density Residence Zone) and that is a townhouse community. Across the street from that is another townhouse community zoned RG-3 (Group Housing Zone) and it has also areas of ROS (Recreational and Open Space Zone) covering its open space areas. As you continue on Silver Lake Boulevard, you then come again into areas that are zoned CPO (Commercial Professional Office Zone). That is where we see a number of office buildings as you approach Walker Road. With the recommendation that was just made regarding the *Comprehensive Plan* and its land use category, the land use category of Mixed Use allows for a variety of different zoning classifications to be considered. One of which is the C-2A (Limited Central Commercial Zone). That zoning district has a mix of opportunities for uses that is presented here on screen and also in the Review Report. The C-2A (Limited Central Commercial Zone) would allow such uses as retail stores, a variety of offices, personal service establishments, restaurants, other service establishments, hotels, places of public assembly, and drive throughs. On the residential side, it allows for one family residences and that would be attached and semi-detached (things like duplexes and townhouses). Also, it allows for apartments and other multi-family dwellings. Additionally in the C-2A (Limited Central Commercial Zone) through a Conditional Use

process, there are several uses that could potentially be allowed but would require an additional review process in order to be considered. Those include parking lots, parking structures, and fuel pumps accessory to a permitted use. All uses are to occur within enclosed buildings and a Rezoning request does not lock them into any one particular use that is in this list nor can it. The development of the property would be subject to a site development plan review process. This is just the zoning map amendment. For the zoning map amendment, the Planning Commission has to consider three factors. First, what are the uses permitted by the proposed change? Would they be compatible with existing uses and zones in the area? Second, whether there are adequate public services and infrastructure that exist or can be created or expanded to serve the needs of any future demand. Third, whether the change is in accordance with the City's *Comprehensive Plan*. The Planning Staff has made a recommendation in regard to this Rezoning request. They find that the C-2A (Limited Central Commercial Zone) offers a mix of uses, both commercial and residential in nature and would be compatible with the *Comprehensive Plan* in that Mixed Use land use category. There are a variety of uses even though they fall in different zones in this area both on the commercial and residential side. When we look at the current zoning of CPO (Commercial and Professional Office Zone) to C-2A (Limited Central Commercial Zone), there is the Bulk Standards Table. They are fairly comparable, but the Planning Staff does note that the C-2A (Limited Central Commercial Zone) would allow for a perhaps taller and denser development plan in the end. It certainly opens the door to a broader mix of uses that would be allowed than the property's current zoning. From a transportation standpoint, there are certainly a variety of transportation modes and opportunities with this property. Staff notes that any development would have special consideration given to this property's proximity to Silver Lake. In the DAC Report, the other agencies provided initial comments and those are basically that there are no objections to the proposed Rezoning; and they offered some guidance for forward thinking regarding any future development of the site.

Mr. Burchard stated that that synopsis is very thorough and complete, especially as it mentions that this is not approving any specific use at this time but rather allows for the consideration of a mix of uses that would not previously be possible with the zoning as it was. The intent of the applicant is to work within the community to provide amenities that will benefit the community as well as provide additional services within the character of the C-2A (Limited Central Commercial Zone).

Mr. Reaves asked the applicant to explain the reason for choosing C-2A (Limited Central Commercial Zone) as opposed to C-1A (Limited Commercial Zone). Responding to Mr. Reaves, Mr. Burchard stated that he doesn't have the C-1A (Limited Commercial Zone) zoning characteristics. He could get back to him on that. He could pull it up and try to describe that.

Mrs. Maucher stated that she used to work on Silver Lake Boulevard and there is one way in and one way out. There is a mention on Page 4 of your letter regarding access through the Department of Public Works for a secondary access. Responding to Mrs. Maucher, Mr. Burchard stated that is correct. Not knowing fully what the design will be or the requirements of traffic, parking and so on for the uses that will be there, they mention that that may be a possibility of a need. It's a speculation but we are just trying to say that they aren't sure what that mix of uses will require from traffic which also will have to be reviewed by the City, Department of Transportation as well as DelDOT. Perhaps it is not an appropriate comment to make in that

application just because it's introducing an uncertainty. Anything that would be done would have to be approved.

Mrs. Maucher stated that the only other access would be to go through the parking lot of the nursing home over to the school and then up. Responding to Mrs. Maucher, Mr. Burchard stated that what he meant to say in that statement is simply that there is an access at the nursing home entrance that is existing. It certainly needs to be improved and possibly reworked. The only other access being considered would be a second point of access onto the cul-de-sac itself. There is no other means of access. All would be on Silver Lake Boulevard.

Mrs. Maucher stated that they wouldn't try to connect to the elementary school and it would still remain one way in and one way out on Walker Road. Responding to Mrs. Maucher, Mr. Burchard stated that is correct, on Walker Road to Silver Lake Boulevard.

Mrs. Melson-Williams stated that going back to the question of the C-1A (Limited Commercial Zone) versus the C-2A (Limited Central Commercial Zone). The C-1A (Limited Commercial Zone) uses are somewhat similar. There are certain uses that are not allowed in the C-1A (Limited Commercial Zone) that we do find in the C-2A (Limited Central Commercial Zone). Those would include hotels, places of public assembly and drive throughs are a Conditional Use in the C-1A (Limited Commercial Zone). There are specific uses that are prohibited and that would be associated with fuel pumps and motor vehicle storage, sales, or repairs that we find in those prohibitions in the C-1A (Limited Commercial Zone). The bigger difference comes in the line of the bulk standards for that zone and that is going to be differences in things like maximum height and setbacks from property lines.

Mr. Burchard stated that he is looking for the table specifically of the bulk standards because he does believe that is what made the difference in the request between C-1A (Limited Commercial Zone) and C-2A (Limited Central Commercial Zone).

Mr. Reaves stated that with regards to the *Comprehensive Plan*, this development for C-2A (Limited Central Commercial Zone) is supposed to be along major roadways. Which at this time, he doesn't see Silver Lake Boulevard being a major roadway to classify for the C-2A (Limited Central Commercial Zone). However, another concern with the C-2A (Limited Central Commercial Zone) is the limitation or the expansion of fuel pumps in this particular development. He just had a concern to understand if in your plan of Mixed Use that this is something that you are considering or would you be satisfied with the C-1A (Limited Commercial Zone) which would give you pretty much the same elements of the Mixed Use with regard to having those restrictions. Responding to Mr. Reaves, Mr. Burchard stated that there is no plan for fuel pumps of any sort. The difference is in the bulk standards; the C-1A (Limited Commercial Zone) limits to two stories and 30 feet which is more limiting than what the desired use of the property would be.

Mrs. Maucher opened the public hearing.

**Resident – unknown name and address**

The resident stated that she would like clarity on the process. At what point in the process will

they have more transparency or transparency at all about the planned project? Responding to the resident, Mrs. Melson-Williams stated that the Rezoning process is that it sets the zoning district. The zoning district then gives a list of uses that potentially could occur on the property. The detail of any development of that property would be a separate Site Development Plan Application review process subject to its own public hearing.

Mrs. Maucher closed the public hearing.

Mr. Witham stated that with C-2A (Limited Central Commercial Zone), it talks about in the permitted uses and conditional uses under 14.2. When you deal with the bulk standards as well as the potential use of a fuel pump which is under 14.2, it has to be an accessory to a permitted use. But under 14.3 it says “all permitted uses and storage accessory there to other than off-street parking, shall be carried on buildings fully enclosing all sides.” Does that mean that a fuel pump would have to be fully enclosed in a building? Responding to Mr. Witham, Mrs. Melson-Williams stated that Mr. Witham’s question is about two portions of the Code where it allows consideration of fuel pumps as a Conditional Use, but then also notes that uses should be within enclosed buildings. She would say that they have not interpreted that a gas pump would have to be physically enclosed in a building. Typically we see some type of canopy structure over top of it but have not seen that. That statement is in other parts of our Code where fuel pumps are allowed. She doesn’t think that they have interpreted that to be a condition of their placement. It could be considered an outdoor sales area as part of its review.

Mr. Witham stated that he thinks his hang up is on fuel pumps because if you define fuel pump as a pump to pump fuel into a car is one thing but fuel pumps could also be interpreted as a storage tank in an enclosed building for the purpose of blowing up balloons by helium. That may take a pump to do that so that could be a storage pump inside of a building. He would hope that somewhere we do define what we refer to as “fuel pumps”.

Mr. Reaves stated that with regards to the major roadway. Is Silver Lake Boulevard to be considered a major roadway? Responding to Mr. Reaves, Mrs. Melson-Williams asked if he was referencing some of *Comprehensive Plan* when asking that question.

Mr. Reaves stated that was correct. For the C-2A (Limited Central Commercial Zone), it states that these should be along a major roadway. Responding to Mr. Reaves, Mrs. Melson-Williams stated that is a portion of the *Comprehensive Plan* that’s part of the goals for the Mixed Use land use category. She would say that the Silver Lake Boulevard is probably considered more of a local street or a collector street. The closest larger roadway is likely considered to be Walker Road. But the definition of “major roadway” is not outlined in the *Comprehensive Plan* in that goals statement.

*Mr. Baldwin moved to recommend approval to City Council for application Z-24-02 Lands of Dover Federal Credit Union at 1079 Silver Lake Boulevard, seconded by Mr. Witham and the motion was carried 5-2 by roll call vote with Mrs. Denney and Dr. Jones absent. Mr. Baldwin voting yes; it is consistent with the current land use in the area. Mr. Reaves voting no; for concern with the major roadway and also with the C-2A (Limited Central Commercial Zone) which allows for the fuel pumps. Mrs. Welsh voting yes; the request for the proposed zoning is in*

*compliance with the Comprehensive Plan. Mr. Cooper voting yes; for reasons stated. Mr. Roach voting yes; he hopes that they continue to reach out to the community to try in getting their input in regards to whatever their desired plan is. Mr. Witham voting yes; he is concerned about the access as raised by Mr. Reaves. Perhaps that can be dealt with in a future application. It is in compliance with the Comprehensive Plan and for the reasons set forth by our Planning Office. Mrs. Maucher voting no; she does have concerns about the access off of Walker Road in the event of an accident or some other formality. There is increased density back in that area. She thinks it is not consistent with the rest of the surrounding communities.*

MI-23-04 Text Amendments: C-2 (Central Commercial Zone) Use and Standards - Public Hearing and Review for Recommendation to City Council of a series of Text Amendments to the *Zoning Ordinance* provisions of the C-2 (Central Commercial Zone) and related development provisions. In the *Zoning Ordinance*, Article 3 – District Regulations, Section 13. Central commercial zone (C-2) and Article 4 Section 4.14, these amendments revise the permitted uses and the conditional uses, add design standards, and revise the bulk standards for height and floor area ratio (FAR) of the C-2 (Central Commercial Zone). The proposed revisions to other sections of the *Zoning Ordinance* are related to Dumpsters in Article 5 Section 6; related to parking requirements in Article 6 Section 3.1; and to define Live-work unit in Article 12 - Definitions. Ordinance #2024-01. *First Reading was held by City Council on January 22, 2024 where the Public Hearing dates were set for Planning Commission on February 20, 2024 and City Council on March 11, 2024.* These text amendments are offered for consideration as part of the implementation of the *Transforming Downtown Dover: Capital City 2030 (Transforming Downtown Dover)* Plan.

**Representative:** None

Mrs. Melson-Williams stated that this application is a request for amendments to the *Zoning Ordinance* text itself. It is primarily focused on the provisions of the C-2 (Central Commercial Zone) and then also some related development provisions. It is file number MI-23-04 because it started its life back in 2023. The Ordinance that is before you is Ordinance #2024-01 with the Legislative, Finance, and Administration Committee Amendment #1 incorporated in it. First, she wants to give some history about this project that we brought forth for a series of Text Amendments. There is a *Transforming Downtown Dover Capital City 2030 Plan* and this one of the kind of steps in looking to implement portions of that Plan. That Plan was done by a consultant for the Downtown Dover Partnership and looks at ways to revitalize Downtown Dover. As a result of that, back in the Spring of last year there was a Work Group that was created predominantly of City Staff to focus looking at potential Code changes to make that future redevelopment happen here in Downtown. There were other participants as well. After some research and looking at what other jurisdictions do, we did in October 2023 hold some stakeholder meetings specifically with a series of business interests like Realtors, engineers, developers and others. And a Walk-in Workshop for the public was held where we presented a series of potential changes to get their initial feedback on that before they started writing any kind of Code because writing Code is a big project within itself. There were a series of presentation boards and they reported that information to the Legislative, Finance, and Administration Committee of City Council in late October. At that point, the suggested changes were just a table of concepts. We included that Table in the packet. It gave kind of what the

current Code existed as and then some recommended thoughts on concepts for how to revise that. With the changes at that point in time, we classified them into a series of four topic areas; those being uses, building height, parking and then miscellaneous items. There is a whole series of those that they actually presented very clearly as concepts. The Legislative, Finance, and Administration Committee took a look at those and then recommended that Staff move forward and actually draft the Text Amendments. There are some concepts there that they did not address in this first round of Text Amendments if you are comparing the chart with what our proposed Draft Ordinance looks like. That proposed Draft Ordinance was presented to the Council Committee in early January and what it turned out to be was a series of revisions to the C-2 (Central Commercial Zone) and then also some of the regulations related to how development activity works. That Committee did have its own discussion and heard some comments regarding that. They did recommend that the Ordinance move forward to First Reading; however, they asked Staff to look at the step back provisions that they were initially proposing. The proposed Ordinance coming out of that Committee does include a revision to that step back provision. She wants to quickly go through the highlights of what the proposed changes are. First, in the C-2 (Central Commercial Zone) they are looking at a number of changes to the uses that would be allowed in that zone. Those that are highlighted in blue are the new additions. In some cases it expands and clarifies existing uses that are there. In other cases it moves things that were once Conditional Uses to the permitted use list. Specifically, it adds the term “live-work units” and that is a definition that they had to include in our definitions section. Then there is a limitation on the size of manufacturing related uses that the smaller scale kind of craftwork types of manufacturing would be something that would be allowed in the C-2 (Central Commercial Zone). The second area is looking at the Conditional Uses for the C-2 (Central Commercial Zone). As she noted, there are a number of them that went from being a conditional use to a permitted use and then on the manufacturing side, they made it clear that any manufacturing type of establishment that was over 5,000 SF in floor area would have to be a conditional use request. The next highlighted piece is related to the addition of design standards for the C-2 (Central Commercial Zone). These are related to putting in place some things related to the form of a building related to its main façade, focusing on height and the stepping back of upper floors above the fourth floor. This is where that provision of stepping back was added because of the proposal to increase the maximum height in the C-2 (Central Commercial Zone) from six stories to ten stories and from a height of seventy-five (75) feet to a height of one hundred twenty-five (125) feet and also the floor area ratio. In trying to balance the opportunity for that increased height, these design standards were identified. The key one that they want to highlight here is the height one that requires a stepping back of the upper floors once you get above the fourth floor. People tend to refer to this as the wedding cake form. It is a stepping back provision that would be applied to the primary façade of the building, meaning the façade that faces the street. With the provision, it basically says that once you are above that fourth story that you step back six feet for at least 50% of the width of that primary façade. For floors five and six, you would have to step back six feet. If your building was taller than that, so floors seven, eight and nine would have an additional step back of six feet on that primary façade. They felt that that stepping back was needed to help maintain compatibility with the character of the area. A lot of what we find here existing in the C-2 (Central Commercial Zone) is also in the Historic District Zone and their guidelines suggest stepping back of the upper floors because most of the buildings that we see in Downtown Dover are in the range of two to three stories with some higher four or five stories in certain instances. The next component of the C-2 (Central Commercial Zone) that she wants to

highlight, is that they really looked at what else is involved in looking at development in the Downtown. One of those is related to dealing with dumpsters. So, they looked at their dumpster provisions and are suggesting that the requirements be simplified. Right now, it gives a laundry list of different types of uses and what those dumpster requirements would be. But what we were finding is a lot of times in development, they know how many they are going to need and they would end of just reserving those additional spaces. We are simplifying that process. The list as proposed would say that for apartment complexes that have more than ten units, you have a specific number of dumpsters and then for other non-residential uses there is a separate calculation for dumpster requirements. They also add provisions that allow for alternative solutions. They find that often times, storage and collection of trash and recycling at certain properties has to be thought about creatively given either the operations of the facility or the access to limited land area to have an outdoor storage location for dumpster. The other component that we looked at for making changes is related to parking. Right now, if you were building within the C-2 (Central Commercial Zone) and you were going into an existing building you would not have a parking requirement; however, if you were to build new in the C-2 (Central Commercial Zone), you would be subject to a parking requirement based on uses. That can be complicated when it comes to dealing with parking requirements in an area where you are trying to reach density. There may be other opportunities for parking considerations or alternative modes of travel. What we are proposing in this amendment is that there be an exemption in the Code for new construction that would be occurring in the Downtown Redevelopment Target Area. That is an area of Downtown that is basically from the Silver Lake/Saint Jones River towards the railroad tracks and basically from the hospital to just slightly north of the DSU Downtown Campus. Within that Downtown Redevelopment Target Area which is specifically defined in the main part of the Dover Code, there would be no minimum parking requirements based on use. However, to use that exemption, you would have to define your parking strategy in a statement as part of the review process. You could basically look to provide some space on your property, work out collaborative parking arrangements, or other modes of transportation to adequately serve your use. What they were hearing from the developer side is that they have a better sense of what they need to build for parking. They are obviously going to want to keep their tenants and will provide parking at a rate that satisfies their tenants. They wanted to give in this Downtown Area, a specific opportunity for them to tell us and it would be part of the process to consider how they were going to approach parking. With this Text Amendment as a package of Text Amendments, the Planning Commission will conduct a public hearing and make a recommendation on the package and then City Council will have its own hearing and take action on the Ordinance itself. Planning Staff did provide a recommendation of the proposed Ordinance. They were the drafters of the Ordinance. They do feel that it is part of efforts to implement the *Transforming Downtown Dover Plan* and it should be considered as part of the economic development strategies here in Downtown Dover and the other parts of the City where it would then apply, specifically related to dumpsters and some of the parking requirement provisions that are currently found in our Code. When we are doing an amendment to the *Zoning Ordinance*, the City Planner had to as part of their report, identify if the change is consistent with the aims and principles embodied in the Ordinance as to the zones of concern. The primary zone here is the C-2 (Central Commercial Zone) and whether the proposed amendment is consistent with the aims of the *Comprehensive Plan* for the City. Those same two factors are things that the Planning Commission should consider when looking at these proposed Text Amendments.

Mr. Witham stated that the proposal refers to most of the Downtown area being C-2 (Central Commercial Zone). What other zones are contained in that area? Responding to Mr. Witham, Mrs. Melson-Williams stated that the Downtown for the most part along Loockerman Street is zoned C-2 (Central Commercial Zone). As you start to move away from that or along areas such as State Street, you get into the RGO (Residence General Office Zone) and then other more residential areas. The other zone that we do see is IO (Institutional and Office Zone). For example, where City Hall and the Library are located and then the Capital Complex falls into that zone. Primarily, their focus was the C-2 (Central Commercial Zone) which was the series of areas that really focus on the Downtown core and that is the core along Loockerman Street.

Mr. Witham asked if these Text Amendments would affect all zones besides the C-2 (Central Commercial Zone). Responding to Mr. Witham, Mrs. Melson-Williams stated that there are certain provisions that only amend the provisions for the C-2 (Central Commercial Zone). Those that would apply a little more broadly are the proposed amendment to Article 5 Section 6 which is related to dumpsters. That would apply citywide across all zones and then the provisions in Article 6 Section 3.1 about the off-street parking uses. There are areas that are within the Redevelopment Target Area that are not zoned C-2 (Central Commercial Zone); so, it would apply in that particular area. It is not something that would apply citywide.

Mrs. Maucher opened the public hearing.

**Mr. Todd Stonesifer – 115 N State Street Dover, DE 19901**

Mr. Stonesifer stated that he is the Chairperson of the Downtown Dover Partnership's Board of Directors. As Mrs. Melson-Williams mentioned earlier, we commissioned for a study to be completed over the course of 2022. That study has given us the *Transforming Dover 2030 Plan*. If you haven't seen it, it is a piece of art work and he would suggest that you look at it. In that Plan, they talk about the revitalization of Downtown through higher density and residential. The idea being ultimately that we put more bodies on the street, those bodies want a more walkable community and those bodies be ultimately become greater foot traffic which will increase the demand for services such as restaurants and boutique shops among others which will revitalize the Downtown. In order to create this density, part of the plan recognized that there are some challenges in the C-2 (Central Commercial Zone) as it is currently written. He has to commend the work of the City Planning Department working through these changes, requests and amendments and being short staffed at that. So, thank you so much to that Department. They are in full support of these changes. They believe that doing the same thing will result in the same as what we see now. We have to do something different and this is the first of many steps. Through this Plan, we have developed great partnerships with everyone from the County, the City and even as far up as the Governor's Office. Hopefully, you have seen some press that the Governor's Office and its administration is supporting these efforts to the tune of about \$25 million dollars of investment. When our Plan is successful, we expect \$500 million in private investment in our Downtown. Economic development will be a huge win. He can entertain any questions. There are plenty of others that he recognizes in the room that will also be here to speak as well as several online.

**Mr. Zach Prebula – Business Developer for Kent Economic Partnership**

Mr. Prebula stated that they are the Economic Development Organization for Kent County. They stand in favor of this proposed Text Amendment for C-2 (Central Commercial Zone), particularly the ones with setbacks and the parking requirements. They believe that these adjustments will play a pivotal role in revitalizing the Downtown area and attracting developers, residents and companies to the area which will help revitalize Downtown. Therefore, they do ask that the Planning Commission please approve this and allow this to move forward.

**Mr. Tom Kramedas – Business Owner**

Mr. Kramedas stated that he is here representing a group that consists of Frank DiMondi, himself, and Mike Glick from Lighthouse Construction. They are the group that has the Post Office under contract here in Dover. They are in the early stages of design and are working on doing a retail and apartment component to this facility and looking forward to revitalizing it. They feel that this C-2 (Central Commercial Zone) change will help them possibly add more apartments to that complex. It is very early so they don't know how many they can actually get out of it, but this will definitely be a positive and they would ask for full support for this change.

**Mr. Jonathan Street – Becker Morgan Group (virtual participant)**

Mr. Street wrote in the chat online: "If I don't make it, please let the record state that I apologize that I couldn't be with you in person tonight or virtually. As a Dover resident and an employee in the Downtown area, a member of the Historic District Commission, a member of the Downtown Dover Partnership Executive Committee and Board, and as a volunteer to assisted Staff with the drafting of the Ordinance, he is in favor of the zoning changes. As such, much needed adjustment to the *Zoning Ordinance* will benefit the Downtown. He hopes that the Commission makes a favorable recommendation to Council.

**Mr. Chris Hankins – Colonial Parking, Wilmington DE**

Mr. Hankins stated that he is here tonight to speak in support of the Text Amendments regarding the minimum parking requirements. Waiving those minimum parking requirements in this targeted area is going to allow developers to right size the parking for their particular projects. That means that it's going to make development more economically feasible and spur development. It's going to prevent the over-building of parking and that's going to foster and support a walkable Downtown. He thinks that these are really good changes overall, in particular the change to the parking requirement. This is not just happening in Dover; it's something that City's across the Country are looking at and making changes to their minimum parking requirements if not waiving them. He thinks that it's going to be very beneficial to Downtown Dover to make this change.

**Mr. Adam DiSabatino – EDiS Company**

Mr. DiSabatino stated that he is just attending tonight for this specific Text Amendment to share support. They are working with EDiS Company that is based in Delaware and has offices up and down the State. They have seen benefits of these adjustments to communities and increasing really that walkability to the communities. So, he just wants to state his support of the Text Amendment.

**Mr. Donny Legans – Rail Haus Beer Garden**

Mr. Legans stated that he is in full support of the Text Amendment for everything that has

already been mentioned. This is just going to spur development. He really appreciates that the City of Dover is looking at these changes to really push it forward in this target area Downtown. With him being on the other side of development and having a parking minimum, he can assure you that whatever that parking minimum was, it wasn't enough for Rail Haus. So even then, the parking minimum wouldn't have worked for them at all. It helps developers be creative to work with their neighbors to work on other solutions. He is in full support of these amendments for dumpsters and everything that you have mentioned in really pushing Dover forward.

**Mr. Greg Reaves – Mosaic Development Partners**

Mr. Greg Reaves stated that he is part of the lead team that wrote the Plan along with many members of the community, including people in the room. They certainly support these change. Both working with the community and with neighbors understanding really what the impact is in the Downtown District. They actually do quite a bit of this work and were the co-developers for the Philadelphia Navy Yard as well. They do large scale development throughout the region and the parking issue is an issue that certainly needed to be addressed and he thinks that they are doing it in a really comprehensive way. It has been recently supported by the Governor and the Governor's Office in terms of the creation of a mobility hub. That is moving forward in a really great way. With respect to the buildings and setbacks, they thought it was really important to be able to provide developers with the flexibility of density but also respecting the historic community as it stands. Most historic buildings in the neighborhood rise around two or three stories and they really didn't want buildings, even though there are some taller buildings there now, to overwhelm that condition. They really wanted it to compliment. The only one thing that he did notice in the zoning was when they deal with construction types. This is a Zoning Ordinance that would change to ten stories and above six stories, there is a second setback. The only consideration that he would ask the Commission to think about is construction types; particularly IIIA construction is still in wood. Today, you can actually build seven stories in wood. That would be a 5/2 Type I construction with two stories and five stories of wood. To do a second setback for one story on the seventh floor might be something that just wouldn't make sense. He would just use that as a consideration but with that exception, he thinks the approach that was taken by the Planning Commission and the group that wrote this modified plan with these changes, it's really a great step forward.

Mrs. Melson-Williams stated that included in the Planning Commission packet was a series of public comments that they had received to date. She will highlight those comments for reference. There were two sets of comments received during the Council Committee of Whole: Legislative, Finance and Administration Committee review process. One of which was a letter dated January 8, 2024 from the Downtown Dover Partnership that noted their support of the changes and they suggest a change to the step back provisions that were proposed back at that point. They did take that under consideration and the Committee did as well. Likewise, there was an email received on January 9, 2024 from Mr. Donny Legans noting his agreement with the proposed changes to the parking requirements and you heard again from him this evening. The other comments that were received was an email dated January 29, 2024 from Mr. John Childress of Mosaic Development Partners that also works with Mr. Greg Reaves who we just heard from. That email included a letter dated January 26, 2024 from WZG Structural Consulting Engineers, Inc. The Legislative, Finance and Administration Committee in their discussions had some concerns about the engineering of such a "step back" and this letter focuses on a little bit more of the

technical side of construction when it comes to stepping back of building elements. But basically in the long run, there are ways to engineer structurally that stepping back. It may cost a little more and require some different approaches to structure but from an engineering standpoint, it is doable.

Mrs. Maucher closed the public hearing.

Mr. Mark Reaves (Planning Commissioner) stated that he would like to say thank you to the Planning Staff for the comprehensive, meticulous and detailed application and briefing to the Commission with regards to this file number MI-23-04. He doesn't think they say it often enough but what the Planning Staff does for the Commission is really commendable.

Mr. Witham stated that as a former member of the Downtown Parking Authority and Chair of that Authority many years ago, he welcomes these changes to the City of Dover Text Amendments. He does appreciate the hard work that has everyone has worked on with respect to this, particularly the Planning Staff and all other interested agencies who have added their comments today.

*Mr. Witham moved to recommend approval to City Council for application MI-23-04 Text Amendments: C-2 (Central Commercial Zone) Use and Standards for the reasons set forth in the record by all concerned, seconded by Mr. Mark Reaves and the motion was carried 7-0 by roll call vote with Mrs. Denney and Dr. Jones absent. Mr. Witham voting yes. Mr. Baldwin voting yes. Mr. Reaves voting yes; for the reasons previously stated. Mrs. Welsh voting yes; for reasons stated in all of the comments throughout the meeting and that it's a good and productive issue being reconciled. Mr. Cooper voting yes; he would also like to echo the thank you for everyone's hard work to put this together. He thinks it is well needed and he thinks that it will do a lot of good. Mr. Roach voting yes; he wants to thank everybody for coming out and their comments. He thinks it's a very good change and hopefully continues to have our little City continue to grow and be greater and better. Mrs. Maucher voting yes; for reasons stated.*

## **NEW BUSINESS**

**Meeting adjourned at 8:57 PM.**

**Sincerely,**

**Kristen Mullaney  
Secretary**