

**CITY OF DOVER PLANNING COMMISSION SESSION 1
NOVEMBER 18, 2024**

The Meeting Session 1 of the City of Dover Planning Commission was held on Monday, November 18, 2024, at 5:30 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session 1 was conducted with Chair Mr. Witham presiding. Members present were Mr. Michael Lewis, Mrs. Denney, Mrs. Maucher (virtual), Mr. Baldwin, Dr. Jones, Mr. Reaves (virtual), Mrs. Welsh (virtual), and Mr. Witham. Mr. Roach was absent (joined the meeting virtually at 5:39PM).

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

APPROVAL OF AGENDA

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

APPROVAL OF MEETING MINUTES OF OCTOBER 21, 2024

Mrs. Denney moved to approve the Planning Commission Meeting Minutes of October 21, 2024, seconded by Mrs. Welsh and the motion was carried 8-0 with Mr. Roach absent.

Mrs. Melson-Williams stated that Mr. Roach joined the meeting virtually.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission Meeting is set for Monday, December 16, 2024 at 7:00PM. You do have several applications that are beginning the process to end up with you for that evening for hearings.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on October 28 & 29, 2024 and November 12, 2024.

Mrs. Melson-Williams stated that for the Department of Planning & Inspections updates, she will note that they had a retirement this past week. Our Chief Building Inspector, Mr. Greg Akers retired with over 20 years of service to the City of Dover. We are actively looking for Building Inspection team members in addition to Planning Staff team members that you have heard her speak of before.

Mrs. Melson-Williams stated that there is an upcoming event that they do have training money available for if there is a Commissioner interested in attending and that is the 2024 Delaware Planning Conference and Annual Meeting. It is scheduled for December 4, 2024 in Newark. It is presented by the American Planning Association's Delaware Chapter. If you are interested in that, see Planning Staff and they can get you registered. It is a full day, begins at 8:30AM and ends around 4:00PM.

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

C-24-05 JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway - Public Hearing and Review of a Conditional Use Plan application to convert an existing 12,000 SF tenant space (previous retail establishment) into a Child Day Care Center. The subject site is within a building located on a parcel developed as a shopping center known as the Centre at Dover. The subject site is located east of North DuPont Highway and east of Centre Drive (private drive). The property is zoned SC-2 (Community Shopping Center Zone). The owner of record is Mahavir Realty, LLC c/o HH Property Management Inc. Applicant: JJ's Learning Experience, LLC (Keith and Shawanda Johnson). Property Address: 261 North DuPont Highway, Suite 1. Tax Parcel: ED-05-068.14-01-03.05-000. Council District 3.

Representative: Mr. Keith Johnson and Mrs. Shawanda Johnson

Mrs. Harvey stated that the Conditional Use Plan Application is to convert an existing 12,000 SF tenant space that was previously Walgreens into a Child Day Care Center. The subject site is located on a parcel developed as a shopping center known as the Centre at Dover. The subject site is located east of N. DuPont Hwy and east of Centre Drive. The property is zoned SC-2 (Community Shopping Center Zone). The owner of record is Mahavir Realty, LLC c/o HH Property Management Inc. The applicant is JJ's Learning Experience (Mr. Keith Johnson and Mrs. Shawanda Johnson). The tenant space will serve 150 children and 19 adult staff. The Plan identifies a play area that will be located within the southern portion of the tenant space. The Plan identifies 20 parking spaces including 2 handicapped parking spaces that are located in a parking lot on the south side of the building that will be utilized as parent parking spaces. A drive aisle on the south side of the building has also been designated as a bus drop-off site. Since this facility proposes 150 children and 19 adult attendants, the site will require 34 parking spaces at the Child Day Care Center. There are a total of over 800 parking spaces in the area of this shopping complex. Overall, the 38,000 SF building will require 129 parking spaces. It is estimated that there are 161 parking spaces just on this parcel. The parking requirement has been met. There is direct access to the parcel for the building as it is interconnected from Centre Drive and between the parking lot areas. There are two entrance ways from White Oak Road and there are three entrance ways off of N. DuPont Highway leading to Centre Drive as the main circulation drive for the shopping center. There is an existing sidewalk and curbing along one side of Centre Drive. The sidewalk is along the front of the building and a partial sidewalk on the side of the building that is the proposed location for the bus drop off. A pedestrian crosswalk will need to be installed from the frontage parking lot to the main entrance of the Child Day Care Center and from the south side proposed parking lot to the main entrance of the Child Day Care Center.

Mrs. Johnson stated that they currently own and operate a Child Day Care Center in Harrington,

DE and they wish to expand to Dover, DE where it is much needed.

Mr. Witham asked if the applicant agreed with what's been stated on the record by Planning Staff. Responding to Mr. Witham, Mrs. Johnson stated yes.

Dr. Jones stated that since you are already operating in Harrington, DE what do you see as your target population? Where are you expecting your children to come from? Responding to Dr. Jones, Mrs. Johnson stated that mostly from the low income families. There is a low income apartment building right behind that shopping center and also at the hospitals. They plan to expand our hours earlier and later for those that work at the hospital as well.

Dr. Jones stated that she knows where the proposed location is for the indoor playground area. What is your thinking behind that? Is it because it's not reasonable without going through a lot of expense to have an outdoor area? Responding to Dr. Jones, Mrs. Johnson stated that at the moment, yes. Mainly because of the side parking is where they wanted to have for the parents to be able to drop-off and pick-up. They thought it would be more feasible to start on the inside and then maybe expand to the outside. They do have permission from the owners to expand to the outside if they do need it.

Mr. Witham asked if they see the need for this Day Care Center. Responding to Mr. Witham, Mrs. Johnson stated most definitely because there are not really any large Day Care Centers in the City of Dover. Most of them are home centers or home based. There is one located right down from the street from that. Other than that, she gets a lot of calls. They actually have parents that come down from Dover to our Harrington location; so, there is definitely a need for childcare.

Mrs. Maucher asked if the State has requirements regarding the amount of play space for children and is this sufficient. Is it going to be like a gymnasium type environment? Responding to Mrs. Maucher, Mrs. Johnsons stated that the requirement for the State Office of Childcare Licensing is 75 SF per child so it really depends how big we make the space. They will tell us how many children we can have in the area at one time.

Mrs. Denney stated that on the indoor play area, she realizes that everything happens at once and it's not free. So as you update, do you have plans to make some type of slides and different equipment for the children to play with? Responding to Mrs. Denney, Mr. Johnson stated that they could actually have slides but they try to stay away from swings. We do soft play so it will be a safe environment for the kids.

Mrs. Johnson stated that even though it's an open area, they can still have different fall zones for rock climbing and things like that.

Mrs. Denney stated that she has an appreciation for what you are trying to accomplish, having managed medical groups locally and especially with the hospital, if you are having extended hours for staff that work different hours. Now a lot of people aren't just working 8 hour shifts and it can be difficult and certainly many of the people have a need. The hospital has a small facility but it's almost a lottery at this stage to get in. Hopefully that will be your case someday.

It is much needed and she appreciates this endeavor.

Dr. Jones asked about the number of children at their Harrington location since here you're proposing 150. Responding to Dr. Jones, Mrs. Johnson stated 120. It is a smaller space but most of them are before and after. We have about 45 before and after so they are not really there until school lets out. But typically on an average every day, it's about 90 but we have 120 enrolled.

Mr. Witham asked if the designated parking for staff is going to be separated from public parking and is the parking itself going to be sufficiently far enough away from the drop-off zone? Responding to Mr. Witham, Mr. Johnson stated that the bus drop-off zone is actually in between so they have to have a walk zone basically where you can actually walk through. Basically, it is parking for parents then bus zone. Across the street basically right in front of it, is another area for parking for staff. They will have the staff park away so there is extra space for the parents.

Mr. Witham asked if it would be marked. Responding to Mr. Witham, Mr. Johnson stated yes.

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

Dr. Jones moved to approve C-24-05 JJ's Learning Experience II Child Daycare Center at 261 North DuPont Highway considering that the applicants are in agreement with the DAC Comments, seconded by Mrs. Denney and the motion was carried 9-0 by roll call vote. Dr. Jones voting yes; for the reasons previously stated. Mrs. Welsh voting yes; she thinks it's a good use for the space that's been there for a little while and we certainly do need quality Day Care and she thinks it's a great plan. Mr. Lewis voting yes; for reasons previously stated and he wishes the applicants good luck with their endeavors. Mr. Roach voting yes; for reasons previously stated. Mrs. Denney voting yes; she definitely believes that good child care facilities are so needed here. This couple and this business has history and it's been working well; she applauds them for expanding and wishes them well. Mrs. Maucher voting yes; for reasons stated and she concurs that it is a much needed service in the City. Mr. Baldwin voting yes; day care is very much needed in this area. Mr. Reaves voting yes; for reasons previously stated and this will be good for the community. Mr. Witham voting yes; the demonstrated need has been made required by the rules and it does meet the terms and conditions of our Comprehensive Plan and there is a demonstrated need here so he welcomes the new business in Dover.

S-24-19 Legislative Hall Building Addition at 411 Legislative Avenue – Public Hearing and Review of a Site Development Plan Application and associated Architectural Review Certification to permit renovation and expansion of Legislative Hall. The proposal includes a three-story 56,820 SF Building Addition on the east side of the existing Legislative Hall building creating a new main public entrance, a Plaza area with Monument Walk, and other site improvements. The main property of 2.80 acres+/- is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and the H (Historic District Zone). The other property of 0.43 acres+/- is zoned ROS (Recreational and Open Space Zone) and subject to H (Historic District Zone). The subject properties are located on the east side of Legislative Avenue as the block between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. South. The owner of record is the State of Delaware. Property Addresses: 411

Legislative Avenue and Court Street. Tax Parcels: ED-05-077.09-05-15.00-000 and ED-05-077.09-05-14.00-000. Council District 4. *The project was the subject of HI-24-07 for Historic District Commission Review and Recommendation on the Architectural Review Certification at their October 17, 2024 Meeting.*

Representative: Ms. Dana Dunphy, Century Engineering; Mr. Dan Ridgely, Studio JAED

Mrs. Melson-Williams stated that this is the Legislative Hall Building Addition. It is a Site Development Plan and consideration of Architectural Review Certification. Because this property is located within the City of Dover's Historic District, it first visited the Historic District Commission on October 17, 2024. Included in your packet is the Architectural Review Report which includes the recommendation of the Historic District Commission which is a recommendation for approval of that Architectural Review Certificate. That process does also involve the Planning Commission tonight so you will take those items into consideration as to whether or not the proposed project meets the *Design Standards and Guidelines for the City of Dover Historic District Zone*. The property is actually two properties; one of which is addressed as the 411 Legislative Avenue and there is also a small piece that is known as Court Street. The Legislative Hall Building that we know is on the larger tract and that is property that is zoned IO (Institutional and Office Zone). As noted, both parcels are in the Historic District Zone and there is part of the property that is the SWPOZ (Source Water Protection Overlay Zone). There is the smaller easternmost portion of the subject area as a separate parcel and it is zoned ROS (Recreational and Open Space Zone). This project proposes an addition to the east side of the building. The proposed addition will close the "U" shape of the existing building that is there. The proposed addition is multiple stories with a total of 56,820 SF for this project. This will expand the Legislative Hall Building which was originally constructed in the 1930's and underwent several additions and renovations over the years in the late 1960's and then most recently in 1994. This project will relocate the main entrance to the east side of the building and also create a new main public entrance Plaza Area with a Monument Walk. That Plaza Area is several tiers and as you can see in this image here, they have also been working with the Fire Marshal's Office in regards to some plan design changes in order to accommodate the required fire lane that is needed to access that main area of the building. The Plaza Area has a series of pavement but it also has landscaping with shrubs and other ground covers and tree plantings as well. With this property, the IO (Institutional and Office Zone) obviously allows for public governmental buildings and with that, there is also a series of monuments that will be relocated as part of that Monument Walk area creating kind of resting spots for a series of monuments that exist on the property including the statue that we see on the east side of building. It will just move a little further to the east with this project. Looking at the Site Development Plan elements for this location, this project will actually displace some of the parking that is existing on the Legislative Hall site. However, in recent months you have looked at and approved the Legislative Hall Parking Garage which is to be located to the south of Legislative Hall. That would be Plan Bottom in this image shown on the screen. They are looking to make a tunnel connection between the Legislative Hall Building Addition and that Parking Garage as well as do some enhanced crosswalk improvements that cross Martin Luther King Jr Blvd South and North in this area as well. They will be surface level and just changes to the pavement rather than elevation across that road. The project includes the other types of elements related to lighting and dumpsters. The sidewalk network in the area will continue as a brick paving system. For the

project, they will hear a little bit more about the building architecture specifically from the applicant, but it basically continues the Colonial Revival style that the current Legislative Hall has in brick and the surrounding Capital Complex buildings have in place. The DAC Report continues with the comments from the various agencies and they are working with them as noted including the Fire Marshal's Office. A lot of work with the Department of Water/Wastewater is related to infrastructure improvements that are necessitated by this project because of where existing lines are unfortunately not in great locations and have to be moved. They are also working with DNREC related to stormwater management planning so some of those areas of the Plaza will be pulling double duty for landscaping as well as stormwater management. For the Planning Commission members, we do not have any Waiver Requests related to this. You are considering a Site Plan and then the Architectural Review Certification for this three-story building addition to Legislative Hall.

Ms. Dunphy stated that the existing site is located at 411 Legislative Avenue. It is currently housing the State Government and there is water, sewer, and electric available. Access is taken from Martin Luther King Jr. Blvd North and South as well as Legislative Avenue. The existing parking and plaza will be removed for this project; however, as Mrs. Melson-Williams mentioned with the Parking Garage, there will be parking there for both the public and for the Legislators. The Legislators will have a separate entrance/exit than the public. The existing building is remaining and we are just expanding upon it. As Mrs. Melson-Williams mentioned, zoning is IO (Institutional and Office Zone) and H (Historic District Zone). They are proposing a three story building. The footprint will be about 254 feet by 167 feet with new brick sidewalks along the frontage with the new Plaza and Monument Walk. They have worked with the Fire Marshal after our initial submission to the City and reworked the Plaza Area to have a fire lane. They are proposing a tunnel to connect from the Parking Garage to the new addition of the Building Addition. Then also as Mrs. Melson-Williams mentioned are the crosswalks with just a change of material and not raised. Here are just a few architectural renderings, these represent the new fire lane with the Monument Walk and just the Plaza Area.

Mr. Ridgely stated that just to add to Ms. Dunphy's presentation, as Mrs. Melson-Williams mentioned, they do plan to match the architectural style of the existing Legislative Hall as the rendering there is the Addition. You can see the similarities and they have been working on detailing that and refining that now.

Mr. Witham asked where exactly the underground corridor is going to connect in the building. Responding to Mr. Witham, Ms. Dunphy stated that Plan South on the screen shows the crosswalk. The tunnel will be right underneath of there and it's connecting from the Garage over to the new portion of the Addition.

Mr. Witham asked if it would come in what would be the basement. Responding to Mr. Witham, Mr. Ridgely stated yes, it will come in to a tunnel level. There is a ground level with occupiable space and even below that will be the tunnel level. The tunnel level happens on the Parking Garage and the Legislative Hall Addition.

Mr. Witham asked if they would be restricted. Responding to Mr. Witham, Mr. Ridgely stated yes.

Mr. Witham opened a public hearing and after wishing to speak, closed the public hearing.

Mrs. Denney moved to approve S-24-19 Legislative Hall Building Addition at 411 Legislative Avenue. This plan is so well thought out and those who have known her for fifty years here as the President of North Murderkill Historic Society, she is very much into protecting our environment most especially here in the Capital City of the State that started this Nation and she thinks this design lends itself some much to that cause, seconded by Mr. Lewis.

Mrs. Melson-Williams asked to clarified the motion with Mrs. Denney. Is the motion for approval of the Site Plan with the Development Advisory Committee comments and then also approval of the Architectural Review Certification which deals with the architecture in the Historic District? Responding to Mrs. Melson-Williams, Mrs. Denney stated yes.

The motion was approved as amended 9-0 by roll call vote. Mrs. Denney voting yes; once again, this is so well thought out and lends itself so much to the Capital City. Mrs. Maucher voting yes; it's a much needed expansion having attempted to attend public sessions in the existing building, she thinks this is well overdue. Mr. Baldwin voting yes; for all of the forementioned statements. Dr. Jones voting yes; for reasons previously stated. Mr. Reaves voting yes; for the reasons stated previously and he really appreciates the fact that you guys are relocating the military monuments into that area for the veterans. Mrs. Welsh voting yes; based on her review of the various building perspectives that we've seen. They are completely detailed, and she totally anticipates that they knew that the Addition will be totally integrated with the existing facility and will preserve the historical and Colonial façade for the integrity of the completed building. Mr. Lewis voting yes; for reasons previously stated and he wants to thank the applicants and Staff for putting all of the information together and all of detailed renderings are very helpful. He is sure that the local brick concern is excited as well. Mr. Roach voting yes; for reasons previously stated. Mr. Witham voting yes; this well thought-out plan for improvement of the Legislative Hall is compatible with all requirements of the Zoning Ordinance as well as the Architectural Review Certification and Staff recommends approval thereof. The design is compatible with the intent of the Design Standards and Guidelines for the Historic District. It will certainly be a crowd-pleaser he thinks. It will not just help the members of the Legislature do their work in the expeditiously and well thought-out manner but also bring more visitors to the City of Dover to see the new building.

NEW BUSINESS - none

Meeting adjourned at 6:28 PM.

Sincerely,

Kristen Mullaney
Secretary