

**CITY OF DOVER PLANNING COMMISSION
OCTOBER 21, 2024**

The Meeting of the City of Dover Planning Commission was held on Monday, October 21, 2024, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system WebEx. The Meeting Session was conducted with Chair Mr. Witham presiding. Members present were Mr. Roach (virtual), Mrs. Denney, Mr. Baldwin, Dr. Jones, Mr. Reaves, Mrs. Welsh (virtual), and Mr. Witham. Mr. Michael Lewis and Mrs. Maucher were absent.

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

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the Agenda as submitted, seconded by Mrs. Denney and the motion was carried 7-0 with Mr. Lewis and Mrs. Maucher absent.

APPROVAL OF MEETING MINUTES OF SEPTEMBER 16, 2024

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

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, November 18, 2024. She wants to advise that Planning Staff is looking at the potential agenda for that evening and they are going to suggest a 5:30PM start time if that is amenable to the Planning Commission members. We have several regular applications and it is also anticipated that City Council will be forwarding to us the Ordinances related to recreational marijuana land uses. In order to manage the meeting, Planning Staff is looking at setting up two sessions: a Session 1 to start at 5:30PM to address the regular applications that would be before the Commission that evening and then a second session to start at 7:00PM to address those Ordinances related to recreational marijuana land uses. They are scheduled for First Reading at City Council on October 28, 2024, at which time it is anticipated that they would be forwarded on to Planning Commission for your public hearing and recommendation. If there are any concerns from the Planning Commission, she would like to note them now because we need to be able to move forward with all of the public notice processes associated with those applications for November.

Mr. Witham asked if it would be a problem for any of the Commissioners to start at 5:30PM. Responding to Mr. Witham, all Commissioners were fine with a 5:30PM start time.

Mrs. Melson-Williams stated that from the consensus, it appears that we can move forward in that direction. Certainly, if something changes, Staff will let you know.

Mrs. Melson-Williams stated that the Proclamation of National Community Planning Month – October 2024 has been adopted and signed by Mayor Christiansen. The Proclamation in sum, basically recognizes the efforts of Community Planning, both Planners as well as those appointed

members of the Planning Commission and the efforts that they have for a commitment to public service. The exact language of the Proclamation was included in your packet and is viewed on the screen; she won't go through and read it this evening.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on September 23 & 23, 2024 and October 14 & 15, 2024.

Mrs. Melson-Williams stated that for the Department of Planning and Inspections updates, there are some new faces in the room. Tracey Harvey is the Community Development Block Grant Manager for our Department but she is helping out with one of the Plan Reviews this evening. Sharon Duca is serving in an administrative capacity of our overall Department of Planning & Inspections. As you know, we have some vacancies in the Planning Department, including the Director, a Planner I, and a Planner II. There are also vacancies in other sections of our Department. One of our Office Assistants moved to the Parks and Recreation Division. The Code Enforcement Staff just brought on a new Code Enforcement Inspector in the last week and she thinks they are still down a position there as well. As she normally states, if you are looking for or know of someone who may be qualified to serve the City in any number of our job positions, certainly visit the City's website and share that information. There are a variety of positions across the City and the Police Department that have vacancies at this point.

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:

C-24-02 Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option on Babb Drive – Update on Waiver Request for Elimination of Rear Emergency Access: The Planning Commission on September 16, 2024 granted conditional approval of the Conditional Use Site Plan/Master Plan for the development of Luther Village Planned Neighborhood Design – Senior Citizen Housing Option consisting of up to 524 age-restricted apartment units in a total of nine phases and including approval of a series of Alternative Design Standards, Waiver Requests, and recommended approval of Subdivision Waiver Requests. Action was deferred on the Waiver Request for the Elimination of Rear Emergency Access. The Master Plan was previously established by Applications C-02-02 and C-13-03 and Luther Village Phases I, II, and III have been constructed. The plan for Phase IV consists of the construction of a three-story apartment building with 72 units (age-restricted) and associated site improvements. The plan also includes a Minor Subdivision to create a 2.79 acre+/- parcel for Phase IV from the overall 33.63 acre +/- tract. The property is zoned RG-2 (General Residence Zone). The property is located east side of John Hunn Brown Road and on the west side of Babb Drive. The owner of record is Martin Luther Foundation of Dover, Inc. Property Address: 101 Babb Drive. Tax Parcels: ED-05-077.06-02-90.00-000, ED-05-077.06-02-90.01-000, ED-05-077.06-02-90.02-

000, and ED-05-077.06-02-90.03-000. Council District 2. *Approved Alternative Design Standards for PND: Building Setback from Property lines, Building Spacing, Building Height, Number of Stories, Average Number of Dwelling Units Per Building, Off-Street Parking Reduction. Approved Waiver Requests: Partial Elimination of Curbing and Reduction of Bicycle Parking. Subdivision Waiver Requests (Recommended for Approval): Waiver of Requirement for Two Connections to a Public Street and Waiver of Requirement for Lot Frontage on a Public Street.*

Representatives: Mr. Richard Murphy, of the Martin Luther Foundation of Dover, Inc. for Luther Village (virtual)

Mrs. Melson-Williams stated that this application for Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option was first reviewed at the Planning Commission Meeting last month and the Commission, at that time for this Conditional Use Site Plan Master Plan for the development of Luther Village, took action to grant conditional approval. So, that was conditional approval of the Master Plan along with a number of waivers. Those waivers included approvals for Alternative Design Standards for the Planned Neighborhood Design Project. Those involve building setbacks from property lines, building spacing, building height, the number of stories, the average number of dwelling units per building, and an off-street parking reduction. You also recognized the approval of the partial elimination of curbing which is something that the Planning Staff has the ability to grant and also a reduction in the overall bicycle parking requirement for the project. Planning Commission, back in September, recommended two Subdivision Waiver Requests associated with the project; those being a Waiver of the requirement for two connections to a public street and a Waiver of the requirement for lot frontage on a public street. That is because the Phase IV area of this project is intended to be set on its own individual parcel outside of the balance of the property just like Phases I through III are. Those Subdivision Waiver Requests are scheduled to go to City Council's Safety, Advisory and Transportation Committee on October 29, 2024. So, the action that the Planning Commission took on that previously will be forwarded to City Council for their final action. After all of that, there was still one Waiver Request that garnered much discussion; and that was a Waiver Request for the elimination of rear emergency access. With apartment buildings with a certain number of floors, our *Zoning Ordinance* requires that access be available to the rear of the building. What Planning Commission did in September was to defer action on that Waiver Request, encouraging the applicant to continue to look at that. Included in your packets this evening, they included all of the Development Advisory Committee Report from last month. In addition, the applicant had discussions with the City's Office of the Fire Marshal and as a result, has chosen to withdrawal the Waiver Request for the Elimination of Rear Emergency Access. That is the letter that was included in your packet and is displayed on the screen. What they have decided to do is to actually implement that Rear Emergency Access provision and that is being done with the installation of a subgrade emergency access lane. It is a little difficult to see on the screen. But looking at the backwards "L" shape of the building, there is a hatched area that is at the top of the page and runs towards the interior corner which is where that emergency subgrade lane would be. It is basically where there is a note that is depicted in red. That is what crosses through that area. It will allow for fire apparatus to come off of the loop road which is at the north edge of the page and then make the turn and come down this subgrade access lane in order to reach of the rear of the building. The front of the building is covered by fire lane and this plan

also notes the ability for the firefighter access provisions. She knows that there was a lot of discussion and concern about this requirement. She thinks with additional thinking about the project, they have chosen to be fully compliant with our Code. This evening, there is not a public hearing needed on this withdrawal of the Waiver Request. She does want to give Mr. Murphy the ability to add any details or information about this now “No Request” and then we can have a motion from the Planning Commission to formally accept that request for withdrawal.

Mr. Murphy stated that as they discussed things further with the Fire Marshal and considered the comments of the Planning Commission when we last met, it just behooved us that the Rear Emergency Access made sense and we should just go ahead and install it.

Mrs. Denney moved to approve C-24-02 Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option on Babb Drive – Update on Waiver Request for Elimination of Rear Emergency Access to include the Letter of Withdrawal of the Waiver Request because she thinks it is extremely important especially with the age of the people who will be housed there. She thinks it is important for us to fully respect the recommendations of our Fire Marshal. She thinks it is absolutely a safety issue. The motion was seconded by Dr. Jones and the motion as carried 7-0 by voice vote with Mr. Roach and Mrs. Maucher absent.

NEW APPLICATIONS

C-24-04 Prickly Pear Studio LLC Expansion at 872-C Walker Road - Public Hearing and Review of Conditional Use to permit expansion of a makeup/aesthetics studio (Personal Service Establishment) in a tenant space (Unit C) in a 3,623 S.F. office building in Walker Square. The property consists of (0.60 acres) 25,623 S.F. +/- The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Walker Road and east of Saulsbury Road. The owner of record is Yulissa Shaw-YC Properties LLC. and the Applicant is Prickly Pear Studio LLC. Property Address: 872-C Walker Road, Tax Parcel: ED-05-067.19-02-02.08-000 (also listed as ED-05-067.19-02-02.07-003). Council District 4. *Waiver Request: Elimination of Bicycle Parking.*

Representative: Ms. Yulissa Shaw

Mrs. Harvey stated that the Conditional Use Review is to permit the expansion of a makeup studio in tenant space Unit C, a 3,600 SF office building in Walker Square. The property consists of over 25,000 SF. The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Walker Road and east of Saulsbury Road. The owner of record is Yulissa Shaw-YC Properties, LLC and the Applicant is Prickly Pear Studio LLC. The most recent Conditional Use Application C-21-06 Prickly Pear Studio was granted conditional approval by the Planning Commission on August 16, 2021. The Application was to permit a makeup studio in a 300 SF tenant space in the lower level of an office suite within a 3,600 SF office building at Walker Square. The applicant has submitted a Waiver Request for the Elimination of Bicycle Parking that was previously approved by the Planning Commission at their August 16, 2021 meeting. All other code requirements have been met for this project.

Ms. Shaw stated that she is here with Prickly Pear Studio. She is requesting the Waiver of the bike rack for the health of our clients due to the risk of infection pre and post-wax and permanent makeup services.

Dr. Jones asked the applicant to repeat her comment. Responding to Dr. Jones, Ms. Shaw stated that she is requesting the Waiver of the bike rack for the health of our clients due to the risk of infection pre and post-wax and permanent makeup services.

Mrs. Denney asked the applicant to help her understand the infection rate from a bicycle rack. Responding to Mrs. Denney, Ms. Shaw stated that by having a bike rack that allows people to obviously use a bike to come to our services. Although that is a way of transportation, if someone comes sweating or leaves sweating, that causes a risk of infection to freshly waxed areas as well as freshly tattooed areas which is permanent makeup. She is trying to eliminate (the risk) for the clients.

Mr. Witham stated that he takes it that this is just an expansion of your current business. Responding to Mr. Witham, Ms. Shaw stated yes, that is correct.

Mr. Witham asked if she was taking additional units at the site. Responding to Mr. Witham, Ms. Shaw stated yes, she has purchased the building (Unit C) and now she plans to expand her business to the first floor as well as the lower half where she is.

Mr. Witham stated that it sounds like her business is growing. Responding to Mr. Witham, Ms. Shaw stated yes, so she is very thankful.

Mr. Witham stated that it is very good for the City of Dover. Have you experienced any issues with respect to the expansion other than the construction cost? Responding to Mr. Witham, Ms. Shaw stated no. Other than that, she is excited and she is really thankful.

Dr. Jones asked if she will occupy the entire facility with your business. Responding to Dr. Jones, Ms. Shaw stated correct. As of right now, that is her plan.

Dr. Jones asked if “as of right now” perhaps means that you will rent space. Responding to Dr. Jones, Ms. Shaw stated that she would love for that but first things first. She would just love to expand the business alone; one thing at a time. But if she were to rent, it would be to similar services such as herself.

Mr. Witham opened a public hearing.

Mrs. Melson-Williams stated that they did receive one written comment that came in shortly after the packet went out to the Commissioners. This is an email that was sent to our main email address from Okemah Strickland who owns a business at 874 Walker Road A. It is one of the other buildings there in Walker Square. She states, “I will be unable to attend the public meeting on October 21st; however, I am in support of an expansion of a makeup aesthetics studio as a tenant in Walker Square.”

Mrs. Melson-Williams stated that she believes Mrs. Strickland has her own beauty salon located across the parking lot in this location. So, she is supporting similar services in that area with her statement.

Mr. Witham closed the public hearing.

Dr. Jones moved to approve C-24-04 Prickly Pear Studio LLC Expansion at 872-C Walker Road to include the Waiver Request for the elimination of the bicycle parking, seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote with Mr. Roach and Mrs. Maucher absent. Dr. Jones voting yes; it is a welcomed addition to that area and she knows she has a challenging business and she wishes her the very best. Mr. Reaves voting yes; for the elimination of the bicycle parking for the reasons stated previously. Mrs. Welsh voting yes; she knows Okemah Strickland and it says a lot to her that someone who is in the same business and is somewhat a little bit in competition with this establishment of The Prickly Pear Salon, so she thinks that is a good sign. It is a great establishment that is going to be going in there and she knows Mrs. Strickland is a very forthright lady. Mr. Roach voting yes. Mrs. Denney voting yes; she agrees with Mrs. Welsh. If it's good enough for Okemah, it's good enough for Dover as far as she's concerned. She thinks this is a small waiver request and she is excited to see this young lady step forward with this new endeavor and hopefully have a long career and business journey there. Mr. Baldwin voting yes; based on the reasons previously stated. Mr. Witham voting yes; the Conditional Use Application meets all of the requirements and it's complementary to the immediate neighborhood in the area of Walker Road. He also approves the waiver of the bicycle parking as it's been justified why the waiver should be issued.

S-24-17 Capital School District Regional Bus Parking Lot - Public Hearing and Review of a Site Development Plan Application for the construction of a Parking Lot for 76 buses and 76 cars with required site improvements to serve as a Regional Bus Parking Lot for the Capital School District. The facility is to be located on the William Henry Middle School Campus. The property is zoned IO (Institutional and Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property consists of 42.58 +/- acres. The property is located on the north side of Forest Street and east of Carver Road. The owner of record is Dover Special School District. Property Address: 65 Carver Road, Dover, DE. Tax Parcel: ED-05-076.07-01-55.00-000. Council District 4.

Representative: Ms. Eileen Thorp, CDA Engineering; Mr. Seth Hammonds, ABHA; Mr. Ade Kuforiji, Capital School District; Mr. Eric Kramer, Traffic Planning and Design Inc.; Mr. Colm DeAscanis, CDA Engineering (virtual); Mr. James Baustert, Capital School District (virtual)

Mrs. Melson-Williams stated that this is a proposal for the Capital School District to create a Regional Bus Parking Lot. This image (on the screen) shows the overall campus location of it which is where we currently find William Henry Middle and Booker T. Washington Elementary School and the Kent Community School. The bottom of the page is where you would find Forest Street. To the left of the page would be Saulsbury Road. The "L" shaped road that kind of creates the corner is Carver Road and on the north side of Carver Road, really on the west side of the campus, is really where this parking lot is proposed. It is proposed as a Regional Bus Parking Lot to consist of 76 bus parking spaces. On the plan, it is kind of a shaded color. That is the area of

new construction. Along with the bus parking spaces, there is also a proposal for 76 vehicle parking spaces. As the bus drivers arrive they park their personal vehicles and then pick up a bus for their daily runs to serve the students of the District. The zoning of the property is IO (Institutional and Office Zone) and the property is also subject to the COZ-1 (Corridor Overlay Zone). The bus parking lot is considered accessory to the school use there from a zoning/land use perspective. In the COZ-1 (Corridor Overlay Zone) while it does not regulate use, it has a number of design requirements related to positioning of parking, parking lot islands, and then a number of landscaping components. With this bus parking location, it will have a new entrance location off of Carver Road to serve just this Bus Parking Lot area. The overall lot is secured by fencing and there would be a gate for both vehicles moving in and out and also a pedestrian gate for access. The Bus Parking Lot is providing bicycle parking with a bike rack in case that is how a bus driver arrives. They are providing curbing throughout the parking lot area at its perimeter and lighting for the project as well. From a landscape perspective, there are a number of things. There is a regular tree planting requirement based on the development area and then also some specialized plantings because of where this property is located. On the left hand side of the page as you view it, there is a darker heavier line in the middle. That is where this property is adjacent to several lots that have a residential use so that means a requirement for an opaque barrier. The opaque barrier consists of two things: a solid fence component and then landscape plantings in the form of evergreens as well. They are compliant with the Code in that provision. The COZ-1 (Corridor Overlay Zone) has some landscaping requirements that are related to plantings along the property boundaries. Along the frontage of this development area with the Carver Road and then along its west side, there are some tree planting requirements and buffering requirements which this project is providing in its design. Just so the Planning Commission is aware, this is a first phase of what may be future changes for this campus at William Henry Middle School and Booker T Washington Elementary School. There have been included in your packet, some commentary related to the overall Master Plan for this that starts with this bus depot and the summary of how it will operate. Overall, the William Henry Campus will see some changes in the long run related to buildings, but those changes would be subject to future Site Development Plan submissions. Always when you are talking about schools, there are questions about traffic. They have been working with DelDOT in this case related to some of the traffic management questions as they plan for how buses will come and go from this property to reach other parts of the district. This evening, you are focusing on a Site Development Plan for this Regional Bus Parking Lot. It is subject to public hearing, but there are no special waivers that the applicant is seeking this evening.

Mr. Roach recused himself because he is an employee of the Capital School District.

Ms. Thorp stated that they are the civil engineers working on this project with Capital School District and ABHA. They attended the DAC Meeting and she thinks it was very productive and they did take a couple of things into consideration. With some of the recommendations, they are going to definitely make a modification to the fence that they suggested because it is a little weird. It looks like it might not be easily maintained in one of the corners so they are going to make an adjustment with how the fencing is going to close off near Carver Road with the existing fence that is out there. It might not be clear but the existing fencing is 8 foot tall. They are going to install another 8 foot tall fence around the Bus Parking Lot for security purposes. She believes that they discussed adding a dumpster to the site; however, at this point in time they

are going to have the bus drivers use the existing dumpsters that are associated with the school campuses to make sure their buses are clean and things of that nature.

Dr. Jones stated that it is really a congested area on Carver Road. With your discussion with DelDOT, has there been discussion about a traffic light? She knows there is already one at Saulsbury Road. Responding to Dr. Jones, Ms. Thorp stated that she believes that she is correct that there is one traffic light at Saulsbury Road. She is going to refer to Mr. Eric Kramer from Transportation and Design to come up and answer that question.

Mr. Kramer stated that they have been in correspondence with DelDOT. Due to the trip decrease from the existing school campus with relocating the fifth and sixth graders over the past two years, there is a net decrease in the trips. So due to the decrease in the trips, there is not going to be signal timing improvements along Forrest Avenue and Saulsbury Road at this time. There is a decrease in all of the traffic for both the daily and the peak hours.

Dr. Jones asked if that was in terms of the school buses. Responding to Dr. Jones, Mr. Kramer stated yes.

Dr. Jones stated that she lives in that area; and for a couple of years, she had to pick up there so she knows what's going on. There is traffic going south; there is traffic going north. Responding to Dr. Jones, Mr. Kramer stated that he appreciates the concern but due to their application, there is a net decrease, so they found no necessary recommendations for improvements at this time. So he guesses that will be tabled to DelDOT for further improvements on their behalf.

Mr. Witham asked if this was an expansion of the current parking lot. Responding to Mr. Witham, Ms. Thorp stated no, this is actually a parking lot to serve as a bus regional place so that Capital School District can pull all of their buses from the majority of other locations and have a central location where all of the drivers can go to access the buses and do their routes. It is going to operate separately from the schools that are currently there; however, it's there to support the school district and their overall operations.

Mr. Witham stated that he expects that there's going to be a further application to the Planning Commission concerning future building construction. Responding to Mr. Witham, Ms. Thorp stated yes, once the school district knows exactly what their future plans are going to be. One of the schools is going to expand to some degree and they will be bringing that back to Planning Commission for future approval. But at this point in time, we are only planning on doing the Bus Regional Parking Lot.

Mr. Witham stated just speaking about the Bus Regional Parking Lot; does it meet all of the lighting requirements? Responding to Mr. Witham, Ms. Thorp stated yes, they did submit a preliminary lighting plan for this particular parking lot and it will meet City Code requirements for safety lighting and things of that nature.

Mr. Witham stated that they said they were going to use existing dumpsters on the site. Are they located nearby? How close are they to the actual site? Responding to Mr. Witham, Ms. Thorp stated that she was going to have Mr. Kuforiji from the Capital School District step forward to

answer that question.

Mr. Kuforiji stated let's assume that the proposed lot is here, we have the William Henry School Building here; there is a dumpster right around the corner. So driving in and out of the complex, they always have access to a dumpster. Booker T. Washington Elementary is on the other end as well so there is plenty of access as they are coming in and out of the complex to get to a dumpster, whether they are coming or going.

Mrs. Denney stated that when she initially looked at this she thinks to herself, sometimes school buses have to be cleaned by the driver at the end of the day because the kids have candy wrappers, pieces of their lunch, apples or whatever. But the bus drivers typically have to clean up the bus at the end of the day and of course there is trash. They need a place to put it. Perhaps it doesn't need to be the same size as a dumpster that you would use for the school building, especially if it was a big school building. But it seems to her as though every bus that is parked there will have a bag at least of refuse and it needs to go somewhere. So, should they have to drive around to find a place? Responding to Mrs. Denney, Mr. Kuforiji stated that it's not that difficult. The plan would, as they come back in at the end of the day on the way to their final parking spot, just to stop at one of those dumpsters and empty out whatever you have in your possession.

Mrs. Denney stated that it just seems to her that there is a tendency that if there is a readily available refuse can, people take the time to go the extra few feet to get to it. But what if they have to put it in their private vehicle because they park the bus before they clean it. Responding to Mrs. Denney, Mr. Kuforiji stated what he was suggesting is as they are driving back into the campus on the bus, stop by the dumpster, unload the trash, and then take the bus to its final destination so it doesn't have to go in their personal vehicles or anything like that. Most of the time, the chances are that they are going to have to go past the other two dumpsters as they come back into the complex.

Mrs. Denney stated that she realizes that a dumpster is an expense. It is not about room to place a dumpster. It's more about that you don't really feel there is a need for one. Responding to Mrs. Denney, Mr. Kuforiji stated that they can certainly reconsider that but again, with the existing two big dumpsters already on campus and the idea that they are probably going to have to drive past them to get to the final location, expense is definitely a consideration, and space is also a consideration.

Mr. Baldwin asked about maintaining the vehicles. Will there be maintenance vehicles in and out of the parking area? Responding to Mr. Baldwin, Mr. Kuforiji stated that when you say maintenance vehicles, what are we referencing?

Mr. Baldwin stated that you have buses that need tire pressures checked and engine fluids checked. Is there a maintenance truck that will come in and out to take care of those buses? You have a lot of buses there. Responding to Mr. Baldwin, Mr. Kuforiji stated that they do have a bus lot at our current District Office as well and there is minimal maintenance that takes place. If they have to do something to those vehicles, we are going to take them to the District Office where we actually have a garage.

Mr. Baldwin stated that on any given morning, you go out there and there are 20 buses and 6 of them won't start. Will there be a maintenance vehicle that could help? Responding to Mr. Baldwin, Mr. Kuforiji stated yes, they do have a guy that does go around just to make sure everything is working.

Mr. Baldwin asked if they would be doing maintenance on the lot. Responding to Mr. Baldwin, Mr. Kuforiji stated that he wouldn't call it maintenance; he would call it start up. They would just make sure that "start up" is good so that they can go about their day. They don't do any repairs of any kind at any facility that they currently own.

Mr. Baldwin stated he is just trying to make sure that there is some additional spacing for maintenance vehicles if you need them. Responding to Mr. Baldwin, Mr. Kuforiji stated that right now, he drives by and makes sure that everybody is good so they can get out for the day. Or if something is wrong with a vehicle, they have to take it elsewhere for repairs. There shouldn't be any major work being done at the facility.

Dr. Jones stated that the parking lot is for 76 buses. How many go in and out now? Is it 76? Responding to Dr. Jones, Mr. Kuforiji stated that in that specific area right now it is not 76 right at this moment.

Dr. Jones stated that her question is about the two dumpsters that you already have. She doesn't have any issues with the drivers depositing their trash and so forth. But will this require additional dumping or emptying of the dumpsters if you are getting this many? Responding to Dr. Jones, Mr. Kuforiji stated that just so you know the size of William Henry Middle School has significantly decreased; so it has actually gone down.

Mrs. Denney stated that essentially there is just two trips a day. They leave in the morning, they go get the children, they come back, they park and then they go back in the afternoon and the same thing. Perhaps maybe there is a sports bus or late bus. Essentially, we have two periods in the day which by nature is always the way, where they all are kind of exiting at once. You will have that congestion and then will relieve and then it will happen at the end of the day again. At the end of the day one isn't necessarily the peak traffic one because it's 3:00PM. The morning one, just like everything else, there will be morning congestion which is not going to be as bad as what they used to endure with the race track for years. So, is that primarily how it will work? Responding to Mrs. Denney, Mr. Kramer stated that including the bus lots and also in the mornings they are planning to leave around 6:00AM to 6:30AM so it is a little bit ahead of the peak hours.

Mrs. Denney stated that actually makes a lot more sense. From her house on State Street, she often in the morning as she is having coffee, she will think to herself they can't be having children on the buses at this hour of the morning. So as you are saying that, she is thinking they are all out and going so that they are in the neighborhoods that they need to be in.

Mr. DeAscanis (virtual) stated that they submitted a summary of operations in the package that you should have received. That lays out the timing and the plans for how traffic operates for the bus and how there has been a reduction on campus with the other uses and how that will continue

throughout this year and next. If you get a chance to look at that, it just provides some more detail on timing and such.

Mrs. Denney stated that she did see that and review it but she tends to be a little obsessed with making sure things are verbally on record so that is the reasoning for her questioning. Obviously, there are things within all of our lives that they understand better than others and she was excited that Mr. Baldwin spoke up about maintenance. She never would have thought of that if he had not mentioned it. She thought those were good questions.

Mr. Reaves stated that he has a concern and a question with regards to the DelDOT situation and when that is going to be resolved because they're making a decision right now without having the complete DelDOT information. The congestion on that road is extremely concerning. He doesn't believe that they have enough information at this point in time. He just wants to know when you are coming to a resolution with DelDOT. Responding to Mr. Reaves, Mr. Kramer stated that they have correspondence that they can provide additionally. They have an email correspondence from DelDOT that says that due to the decrease in the daily and peak hour trips, a TIS or an Area Wide Study is not warranted for this application at this time.

Mr. Witham asked if that is submitted with the documents that they have to date. Responding to Mr. Witham, Mr. Kramer stated that he can check. If not, they can provide the correspondence again as a separate document.

Mrs. Melson-Williams stated that DelDOT is a participant in our Development Advisory Committee and their comments, which are included in the packet, notes that the applicant has held a project coordination meeting with DelDOT to discuss trips. They will have to continue working with DelDOT towards final plan approval. Part of that is kind of the submission of the trip generation and possible trip impacts. The email that he is referring to is likely an ever evolving step in that process to get to a DelDOT Final Plan Approval. In your packet, was also the more detailed two page letter about the traffic generation. What really has happened at this campus is a significant change in the student population which then has implications on just general traffic generation numbers. With the opening of the Middle Schools off of other portions of Walker Road, they have transitioned students who were previously on this campus to that facility. You have a change in the pick-up and drop-off of buses coming and going from those facilities because the student population is very different at this point on this campus than it was 2-3 years ago.

Dr. Jones stated that they don't have all of the information or the plan from DelDOT. From those of us that traverse those areas, we know exactly what's going on on Saulsbury Road and Carver Road. Her question is, what time under normal circumstances, do you anticipate that the last driver is going to report to the lot in the afternoon? Responding to Dr. Jones, Mr. Kuforiji asked if she was asking what time the last bus was going to leave the lot to go out for the afternoon or when are they going to be returning?

Dr. Jones stated that she is asking what time they would be returning. Responding to Dr. Jones, Mr. Kuforiji stated that it would be around 5:00PM or a little after that.

Dr. Jones stated that she does agree with Mr. Reaves. Assuming this is needed and she doesn't have an issue with it but it is impossible to go any place on Saulsbury Road around 4:00PM and trying to turn into Carver Road to access the lot. She is wondering if you are having buses coming from the south, some coming from the north trying to turn onto Carver Road. The information from DelDOT would clarify a lot of things. She realizes that the population has changed and that was a good move; however, that doesn't have anything to do with normal traffic. Responding to Dr. Jones, Ms. Thorp stated that she also wants to point out the fact that you can't really see it on the plan shown on the screen but if we could go back to the cover sheet, there are other access points besides using Saulsbury Road and Carver Road to get to the bus lot. There is also an access point which they can utilize at Weston Drive in order to help facilitate getting the buses off of Saulsbury Road.

Dr. Jones stated that she thought she just read that the access point would be Carver Road. Responding to Dr. Jones, Ms. Thorp stated yes, the actual bus parking facility access point is on Carver Road but it doesn't mean that buses (will only use that one). There are other means and methods to get to Carver Road besides Saulsbury Road. Not all the buses need to utilize Saulsbury Road to get to Carver Road. They can access from the light at Weston Drive.

Dr. Jones stated that then that is going to be a grand mess if they are entering from various points and she doesn't mean that in a condescending manner. We don't need to beat this dead horse to death. It's just a matter of getting some information from DelDOT to clarify. She knows that for her, it would be helpful. Responding to Dr. Jones, Ms. Thorp stated that when DelDOT views the plan, they look at all of the access points. They will look at the access of Carver Road and Saulsbury Road. They will look at Carver Road and Forrest Street. They will also have them look at the access at Walker Road in order to determine all of the trips because the buses will be coming from all different directions in order to get to that bus lot and facility, as well as the drivers. The school district can tell them, if they feel the need to, that they have to use a certain path to get to the bus parking facility. A lot of the times, if you know it's hard to make that left-hand turn off of Saulsbury Road onto Carver Road, you will go a different way in order to get into that bus lot. She understands the concerns and the needs of the City to make sure that traffic is still working properly or even improved to be honest.

Mrs. Welsh stated that she did find in the packet where there is an email from TPD Inc that stresses those comments about DelDOT indicating that there was no TIS required or warranted and the delineation of the routes of travel from Weston Road, Saulsbury Road and Carver Road is also included in there. But it's not information specifically from DelDOT; it's from TPD Inc summarizing what she supposes DelDOT commented to the client. Responding to Mrs. Welsh, Mr. Witham asked if she was referring to the language that was in the letter dated September 3, 2024 from Mr. Eric Ostimchuk where it reads "Overall, the William Henry Campus redevelopment will have minimal traffic operation impact to the external roadway network along Saulsbury Road and Forest Street."

Mrs. Welsh stated yes.

Mr. Kuforiji stated that there is an email here from Sireen Muhtaseb from DelDOT and it reads "After reading the information provided, we concur that both Phase I and Phase II will result in a

decrease in the daily and peak hour traffic. Based on that, a TIS (Traffic Impact Study) and an AWSF (Area Wide Study Fee) are not warranted. Please see the attachment below for some minor edits to incorporate into the TGB.”

Mr. Kramer stated that it had some trip generation diagrams that are attached. Responding to Mr. Kramer, Mr. Witham asked if that was part of the packet.

Mr. Hammonds stated no, it was included with the Record Plan submission to DelDOT for approval. It is for the client that they are going back and forth. They need the Record Plan with the approval of it.

Mr. Witham stated that the point is that he thinks Mr. Reaves is talking about is that we need something in the record to show that DelDOT would support this application. Something that has reviewed the ingress and egress of traffic from the site and it is not going to be an undue burden on traffic patterns in the area. Responding to Mr. Witham, Mr. Kuforiji stated that he would assume that before Final Approval is granted for us to proceed around construction, we would have to have DelDOT’s formal letter.

Mr. DeAscanis (virtual) stated that if it helps everyone, he has access to it on his computer to share it.

Mr. Reaves stated that the Planning Commission is here to vote on this plan for you to move forward but he would like to state for the record that he just doesn’t feel like they have enough information from DelDOT. Due to the email conversation and what DelDOT is appearing to say, he doesn’t believe that DelDOT is doing a complete due diligence with regards to this location with having one entrance in and one exit out. With the increase of 76 buses and one direction in or out, he potentially believes that they would have buses backed up to Walker Road from that area trying to turn in left. Even if they decided to go around to a different location that left turn lane at Forrest Avenue would not be enough to compensate for buses trying to take alternative routes. So this is the reason why DelDOT has to solidify their understating for us to even consider what they would say is part of the DAC. He doesn’t believe that this is going to be a viable solution. We don’t have enough information in his belief to make an informed decision.

Mrs. Denney stated that she wholeheartedly agrees with Mr. Reaves. They are missing part of the plan here. She happens to have her grandchildren dropped off at her house in the mornings and she drops them at school and then tries to make mass at Holy Cross every day at 8:00AM. Those school buses are often lined up at that light and they are not zooming around the corners or doing California rolls. They are stopping and turning and sometimes she will get behind 2, 3, or 4 school buses. The light will change and maybe only one gets to go. It is a lucky day if it happens to be where there is a turning lane like there is on State Street and one is going left and one is going straight or vice versa because that makes a difference. She knows that a lot of people say it’s only an hour here or an hour there but she agrees with what Mr. Reaves is saying. She doesn’t think they really have enough of the full picture yet to be making a decision until DelDOT speaks up. She knows from 20 some years of experience of being on boards like this because she has been with Kent County Board of Adjustment that DelDOT only works at a certain speed. She doesn’t know what goes on in their office; and she is sure they are not doing it

on purpose, but it's hard to get information back quickly from DelDOT and she thinks that's because like everybody else, their engineers inundated as well. She agrees with Mr. Reaves, she doesn't think we have enough information here.

Mr. DeAscanis stated that to speak to the DelDOT process, they have been talking to them continuously since the beginning of this year going back to January. Somethings have went back and forth for some changes but they have had a lot of discussions with them trying to get them to look at the numbers and the context of the whole campus development based on the hours of operations submitted, the traffic numbers that they submitted considering that the full increase with the Bus Lot but also the net for the overall campus as it exists while this goes into effect. But it's been a process, and they have had continuous conversations including initial submissions going back to early February. You are right; it is a process with DelDOT. They have tried to get ahead of that. They didn't want to submit the Site Plan until they got as far as they could. The question would be what level of tangible submission would be helpful or required? Responding to Mr. DeAscanis, Mr. Witham stated that as you can tell the Commissioners have some additional questions here that the people here today cannot answer. So the next stage in the process would be to go to a public hearing but you have heard some of the questions here that the Commissioners have and he isn't sure if you want to proceed further or ask for a deferment until we can get this information.

Mr. Kuforiji asked what is needed to satisfy.

Mr. Reaves asked if the engineer or staff that is present here have been informed by DelDOT of the Kenton Road project and how that may impact what's going to happen on Saulsbury Road. Responding to Mr. Reaves, Mr. Kuforiji stated that with all due respect, he believes that when they submit plans to any regulatory agency, they look up the project and at our plans. He doesn't believe that they would attach it or provide us with any inclination of a different project unless that think it has an impact on the plans that they are submitting. That would be the only time that he would expect them to make a comment to us about somebody else's project. He doesn't believe that he understands anything about the Kenton Road project. He believes the rule would have been that they look at what we are asking for. They try to make sure that they do their assessment of what we are asking and how we would impact everything that they work on. He would always assume that if it's going to cause a problem to another project, they should say "hey, it's going to be a problem."

Mr. Reaves stated that he has information that DelDOT in the early part of 2025 is going to close off Kenton Road to continue their development with access coming from Kenton Road south bound to Route 8, which is Forrest Avenue. Once they close off that area going to Kenton Road from College Road, the traffic will be diverted to College Road and the traffic will continue on Saulsbury Road which will back up the traffic further going towards Forrest Avenue for all of your bus traffic that will be traveling in that area. There will be an extreme amount of traffic that's coming off of Kenton Road across College Road and down Saulsbury Road. This is the reason that he is bringing up this point because DelDOT should have in their conversation included awareness to this traffic diversion which is going to affect at your time period, your project for your buses and potentially your buses that may be traveling down Kenton Road and have to join that diversion. Kenton Road is only a two-way road so it's an extreme impact. So,

without DelDOT having a comment on this project and without DelDOT answering to that type of project that's coming forward, he thinks that this is very incomplete and premature for our Planning Commission to make a decision on something which is going to impact the public significantly. Responding to Mr. Reaves, Mr. Kramer stated that due to the requirements of the trips that are decreasing on this site, DelDOT does not require us to do a traffic study on the external roadway network. They understand your concerns about the traffic on Saulsbury Road and the Kenton Road closure, but unless a traffic study is warranted or even a traffic operational analysis is warranted, there is no requirement for a traffic study on the external roadway network at this time with this particular application.

Mr. Kuforiji stated that it sounds like what they would have to provide they would have to get from DelDOT; instead of it showing up on an email it shows upon their letterhead that says they don't believe that this transaction will have any impact on any of their projects. Responding to Mr. Kuforiji, Mr. Kramer stated that they can look for a Letter of No Objection or something.

Ms. Thorp stated that she thinks that is part of the requirements that they asked us for in the DAC comments.

Mr. Reaves stated that he doesn't want to be misunderstood. He is not saying that DelDOT is going to influence his decision as a Planning Commissioner to vote yes or to vote no. They are objectively looking at what the impact is to the area that you are proposing. What is he trying to clearly say to you is that DelDOT is not going to use the Planning Commission as a rubber stamp by delaying the information that you require. What he would significantly ask for you respectfully, is to inquire of DelDOT what their plans are and how that would affect your area. Them refusing or saying you don't need a TIS is very incomplete to what you are trying to do as a project. It does not give you the proper information that you need to present before the Planning Commission. Responding to Mr. Reaves, Mr. DeAscanis stated that they will reach out to them to get more information.

Mrs. Melson-Williams stated that she thinks Planning Staff needs to chime in here. This is a Site Development Plan. In order for a project to get Final Site Plan Approval, all of the regulatory agencies have to grant Final Plan Approval subject to their technical review requirements. The Development Advisory Committee is kind of the first step of that process and the agencies are given an opportunity to provide initial comments as to how their process will work or what is needed from the applicant in order to ultimately get their Final Plan Approval. We do not require that applicants appearing before the Planning Commission have those Final Plan Approvals in place from those regulatory agencies when they walk in the door for the Planning Commission's consideration. That is part of the process that would happen after any kind of conditional approval from the Planning Commission. You are conditioning approval of a project upon getting and achieving these other agency requirements. In their packet, they have certainly outlined operationally, the concept for this bus depot. There is the letter that is dated September 3, 2024 that gives a little more detail of all of the traffic movement patterns and initial kind of concepts about this campus and what is there and how it will function. They do not get a DelDOT approval by just writing that letter. There have been, as they have testified to, a series of meetings and interaction submissions of data back and forth. It is not typical for us, even in the Planning Office to have all of those correspondence back and forth and meetings with all of these

other regulatory agencies because we trust them to utilize their processes and their regulatory requirements to make sure our project meets that. When there are State roads that are impacted, they ultimately have to get a Letter of No Objection to Record or some type of Entrance Plan Approval depending on what the project entails. Those types of things would be forth coming in order to get to a Final Plan Approval process. The Kenton Road project that Mr. Reaves speaks to is a DelDOT street improvement project. It has multiple phases over several years time and does involve road closures that will divert traffic into other areas of the City. That is not unique. There are road projects that happen all over the City at all times and how they impact or do not impact a particular project, we leave to the expertise of that regulatory agency. In this case, we are just talking about traffic but the same would carry along with water utility projects and stormwater planning projects in a broader sense as well. We leave it to the regulatory agency to have that applicant work with them just like they work with us in compliance with our *Zoning Ordinance*. She doesn't want them to think that they didn't submit something here. That have submitted kind of where they are at this point in the process. Nowhere in our *Zoning Ordinance* says that you must file your application with all of the other agency approvals in place. She thinks that since this was advertised as a public hearing that you should conduct the public hearing. You can continue to deliberate and if you feel strongly that there should be additional information provided to you, she thinks you need to be very specific about that because then it will have to result in this application being either action deferred or rescheduled for a future meeting of the Planning Commission.

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

Mr. Witham asked if this was a Preliminary Site Plan Application. Responding to Mr. Witham, Mrs. Melson-Williams stated that Site Plan Applications are a one time in front of the Planning Commission. Then the process to get to Final Plan Approval is an administrative one where they would make corrections to their plans and make resubmissions to both the Planning Staff and all of the other regulatory agencies to get to a Final Plan Approval. Tonight, you are just considering a Site Development Plan. There are no waiver requests. Certainly if you feel there is additional information that you need to make your decision, you can collect that in a motion so that we have an action regarding this application S-24-17.

Mr. Witham stated that he assumes that part of that application process, the Planning Commission can make any requirements in the motion for final approval. Responding to Mr. Witham, Mrs. Melson-Williams stated that the *Zoning Ordinance* outlines a series of objectives when the Planning Commission is reviewing an application. Certainly, she would caution you to make sure that anything that you are requiring is along those lines and is not excessive in its request recognizing that there is more of a plan review process to come.

Mr. Reaves asked if Staff could please explain the process for potentially having a deferment on a decision on S-24-17. Responding to Mr. Reaves, Mr. Witham stated that he would defer to Staff on that. He would also note that in our paperwork we do have a weigh in by DelDOT on the DAC application review commentary. What DelDOT has stated is that they expect that for any permit issued by the department, the applicant has to contact the Delaware Department of Transportation to coordinate that to begin the permit process. That was submitted with our

packet. So that means to him that there is a further discussion ongoing with DelDOT on the final application which he thinks they alluded to in their comments. They are somewhat between a rock and a hard place. DelDOT has not weighed in totally on this. You have heard some of the comments from the Planning Commissioners which are all good comments with some concern about the traffic conditions. We don't have that file information although the letter that was referred to does indicate that there is no Traffic Impact Study required but it doesn't answer other questions that pertain to ingress and egress on the property and how it impacts on traffic.

Dr. Jones stated that she thinks she just heard Mrs. Melson-Williams say that the Final Site Development Plan comes back. It is reviewed by your office and then comes back to the Planning Commission. Responding to Dr. Jones, Mrs. Melson-Williams stated that the Final Site Plan does not come back to the Planning Commission. The *Zoning Ordinance* is set up so that the process after your action this evening becomes administrative in nature meaning that they will work directly with each of the agencies and the Planning Staff acts on behalf of the Planning Commission to ensure that all of those agency approvals are achieved and we have documentation of them and that the plans reflect those approvals.

Mrs. Melson-Williams stated that for the question that Mr. Reaves had on a process for a deferral, you could certainly put forth a motion to defer action on the Site Plan submission but it would need to specifically outline why and what information you are expecting to have resubmitted in order for it to then reappear on a future meeting agenda.

Mrs. Denney stated that in looking at our packet today on this particular application, the City of Dover Development Advisory Committee Meeting and comments and the things that are in that particular section; it's the sixth page under Item 13. It says "Recommendations Suggested and Conditions of Approval to meet Code objectives." When she went through this initially at home, she actually marked it off and it said "In accordance with *Zoning Ordinance*, Article 10 Section 2.2 the Planning Commission in considering and acting upon Site Development Plans, may prescribe appropriate conditions and safeguards so that the public health, safety, welfare, comfort, and convenience of the public in general and the residents of the immediate neighborhood in particular shall be taken into consideration." To her, that's exactly what Mr. Reaves is saying. It goes on to say "safeguards may to the maximum extent possible, further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives." She thinks that's important because what they are talking about does impact the people in the community surrounding this area where the buses will be coming and going and the traffic impact. Kenton Road does have a project going on and she looks forward to when it's done. She thinks it's going to be great. She lives on State Street and a City sewer/water rehab project happened and it started in October, we had dates and we were all notified that it's going to go so much and then it's going to be your block and your turn. It went on and it went on and the neighbors were all talking to each other saying "is this ever going to end?" Eventually it did and the improvements are wonderful and it absolutely can happen. They are not magicians. They get started and they don't know what they are going to run into. They can't see under the pavement; they just know what it should be. When you have roads that are old and infrastructure is old, you get down there and other things change the plan. What she is trying to say is that it's really hard. You feel like you are making a decision almost in a vacuum. A lot of this is so unknown. She does think that the school buses need a place to park and be safe. She thinks the State owns the

property and that's probably a good place for them. The other thing that she thinks about when she sees things like this is that yes, they make recommendations like these people going this direction will make a right hand turn here or a left hand turn. They can say that all they want but that doesn't mean that's the way the drivers are going to go. They are going to get a feel for their route and they are going to do what's best for them. Driving even an extra mile a day and the end of each school year is that much more fuel. There is a whole lot that goes into that that we can't even imagine. It is difficult and yet you hate to delay the decision because the school district needs the information. It's like we don't want to be the log jam.

Mr. Witham stated that it seems to him that the Commissioners have several options. Number 1, you could deny the application. Number 2, you can defer it for further information. Number 3, you could approve it subject to additional information to be submitted or subject to final approval of DelDOT on an ingress/egress application. DelDOT had already said that apparently there is no Traffic Impact Study required based upon traffic patterns and the population use of that site but we have nothing in front of us that says that other than what the applicant is telling us that DelDOT is saying. He thinks the Commission would like to see an actual document from DelDOT saying what you are telling the Commission.

Mr. Witham moved to approve S-24-17 Capital School District Regional Bus Parking Lot for seventy-six (76) buses and seventy-six (76) cars with required site plan improvements to serve as a regional bus parking lot for Capital School District, subject to a submission of a final approval and plan issued by DelDOT in conjunction with the applicant demonstrating that there will not be an adverse traffic impact on the community, seconded by Dr. Jones and the motion was carried 5-1 with Mr. Roach abstaining and Mr. M. Lewis and Mrs. Maucher absent. Mr. Witham voting yes; for the reasons that he just set forth in his motion. It seems to him that they are fulfilling a responsibility under Article 10, Section 2.2 to evaluate these plans as to whether there are appropriate conditions for the public safety and welfare, safety and comfort of the community. It's apparent that there is a need for a regional bus depot for the Capital School District. This site appears to be an adequate site for this purpose so long as they meet all Planning requirements and meet the purposes and intent of the Planning Code and the Zoning Ordinance. Mrs. Denney voting yes; she was not prepared to vote yes but in considering what Mr. Witham said with regard to deferring to DelDOT for final approval and all that is in Article 10. Mr. Baldwin voting yes; and he dare not try to repeat all that has been said but he agrees with it. Dr. Jones voting yes; she just wants to indicate that she fully appreciates the applicant baring with them and answering all of the questions. The nuisances and complexities of running a school district are enormous. She is an educator all of her life so she does understand; so thank you. Mr. Reaves voting no; citing that this Site Development Plan will not be revisited by the Planning Commission and also it does provide adequately for the comfort and the convenience of the public in general. He would like to also further have clarity on what they are asking for DelDOT to provide in Mr. Witham's motion statement. Mrs. Welsh voting yes; she appreciates all that the applicant has done to work on the package. She believes that they have a good package and as stated at this point in time it is site approval and therefore they have complied with what they are required to do to process the application. She thinks that asking for it is critical for the safety of the community to have more information. She also believes that there is specific information required as Mrs. Melson-Williams noted, that specifically one of us or all of us need to cite specifically step wise what would expected to be seen. She believes the

motion, as currently stated gives them the opportunity to get more information in accordance with how the application stands as a site approval.

NEW BUSINESS

Meeting adjourned at 9:00 PM.

Sincerely,

**Kristen Mullaney
Secretary**