

CITY OF DOVER PLANNING COMMISSION
SEPTEMBER 18, 2023

The Meeting of the City of Dover Planning Commission was held on Monday, September 18, 2023 at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system WebEx. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Cooper, Mr. Roach (virtual), Mrs. Denney, Mr. Hartman, Mr. Baldwin, Dr. Jones, Mrs. Welsh, and Mrs. Maucher. Mrs. Malone has completed her service; choosing not to be reappointed. A new Commission member has not been appointed.

Staff members present were Mrs. Mary Ellen Gray, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, 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 8-0.

APPROVAL OF MEETING MINUTES OF JULY 17, 2023

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of July 17, 2023, seconded by Dr. Jones and the motion was unanimously carried 8-0.

COMMUNICATIONS & REPORTS

Mrs. Gray provided an update on the regular City Council and various Committee meetings held on July 24 & 25, 2023, August 14 & 15, 2023, August 28 & 29, 2023; and September 11 & 12, 2023.

Mrs. Gray stated that at an upcoming City Council meeting on September 25, 2023, there will be a number of Proclamations. There are many things in October, but one of the things in October is Community Planning Month. There will be a proclamation on September 25, 2023 declaring that to be Community Planning Month and she invites everyone to come to that meeting. All of the Proclamations are right at the beginning of the meeting to accept the Proclamation. In the past, this has been given to the Planning Department Head. She feels that this should be given to everybody who does planning and that includes the Planning Commission. She also inviting members of the State Planning Office as well.

Summary of 2023 Applications

Mrs. Melson-Williams stated that for the Summary of 2023 Applications included in your packet was a chart that tracks all types of applications that we process for the various Boards and Commissions for the City of Dover. The tally is through the September meetings of the Boards and Commissions; so, we are basically $\frac{3}{4}$ of the way through 2023. This is just an overall running tally and you can do some comparison to years past. At this point, we are trending slightly higher than 2022 in the overall application count. Keep in mind that not all of the applications listed here appear before the Planning Commission. We do track the Board of Adjustment and the Historic District Commission items on this chart as well. The total number of Site Plans is also slightly less because some of those Site Plans are administrative fillings that have a Staff and Agency review only and is not subject to a public hearing in front of the

Planning Commission. This just gives you a sense of kind of where you are count wise. She would be happy to answer any questions that you may have about this tally. We will give it to you again when we get to year-end. So, they will report back to the Commission in January 2024.

Summary of Ordinances 2019-2023

Mrs. Melson-Williams stated that when looking at it, she realized that they hadn't done it in a number of years and that is the Summary of Ordinances. This Chart lists the Ordinances that were Text Amendments to the *Zoning Ordinance* primarily in the calendar years 2019-2023 that have actually had action taken on them. Over the years, we have made some changes in the IPM-2 (Industrial Park Manufacturing Zone), and the Business and Technology Center, the RG-O (General Residence and Office Zone). There was the Text Amendment a couple of years ago that basically re-wrote our Wireless Communications Facilities Ordinance. There were some changes again in the SC-3 (Shopping Center Development Zone), the M (Manufacturing Zone) and the IPM-2 (Industrial Park Manufacturing Zone) again. As Mrs. Gray mentioned, we do have one that is forthcoming with the C-2 (Central Commercial Zone) for a minor amendment. But this just gives you a sense of what you have seen over the past few years. It gives the Text Amendment, the actual Ordinance Number and when it was adopted. She will note that they are working on another ordinance related to the C-2 (Central Commercial Zone). That is one of their projects activities that is listed as the next item on the agenda. As a result of the Downtown Strategic Master Plan, there has been a working group of Staff and some other parties looking at our Downtown zoning districts which is primarily the C-2 (Central Commercial Zone). In conjunction with that Master Plan, we are looking to see if there is any potential changes that we need to bring forward related to that zone in the intended uses. That project is ongoing and we expect to do some stakeholder activity and do some other gatherings before presenting some concepts for consideration to see if we are headed in the right direction on the C-2 (Central Commercial Zone) and then also to formally begin the review process for those Text Amendments.

Mrs. Melson-Williams stated that the other ordinance related project that they anticipate hopefully finding some time to work on, is the Airport Environs Overlay Zone which is related to flight activities at Dover Air Force Base. As part of the Compatible Use Study that the City was an active participant in on the Technical Review Committee. And ultimately the review of that study document. It encourages us to look at the regulations related to our Airport Environs Overlay Zone (AEOZ). The Department of Defense has issued some updated guidance on Air Installation Compatible Use Zones (AICUZ). In that document, there are some suggestions that they may be looking to incorporate into our local code and ordinance here. In order to do that, that is another Text Amendment project that they would anticipate hopefully moving forward in the next six months. So, there are two Ordinance Projects at least on our table at the moment that would be forthcoming to the Commission eventually.

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**Other Items**

Appointment for the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28): Update on Design Professionals

Mrs. Melson-Williams stated that at the July Meeting, the Commission took action to establish that Mrs. Welsh and Mr. Roach would be serving as the two Planning Commission members of the Architectural Review Oversight Subcommittee for the Planning Commission in addition to the Mayor or his designee. That Committee is rounded out with membership of two design professionals. Those design professionals that you suggested Staff reach out to were the two individuals that have served previously to get their ability to continue such service. Planning Staff did reach out to Dr. R.J. Chandler who is a faculty member of the Architecture Program at Delaware Technical and Community College and also to Ms. Sarah Keifer who is the Director of Planning Services at Kent County. Both individuals did express their willingness to continue serving on the Subcommittee.

Dr. Jones moved to approve that Dr. R.J. Chandler and Ms. Sarah Keifer continue as members on the Architectural Review Oversight Subcommittee of the Planning Commission, seconded by Mrs. Welsh and the motion carried 8-0 by voice vote.

NEW APPLICATIONS - None**NEW BUSINESS** - None**WORKSHOP SESSION****Review of and Revisions to By-Laws of the Dover Planning Commission****Discussion of Development of Planning Commission Rules of Procedures**

Mrs. Gray stated that she and Mrs. Maucher have been discussing some possible workshop items. The Planning Commission has a set of By-Laws and looking at them. The last time that they were reviewed and updated was 2011. She thinks that it would be a good time to look at our By-Laws and then also to look to see whether there is some opportunity or some thoughts in looking at the By-Laws to update. And also, to see whether it would be a helpful thing to also articulate a set of Rules of Procedure. Rules of Procedure from her perspective, they are how you run the meeting. In order to help the dialogue, she looked at some other planning boards like Newark, Kent County, and New Castle County. She pulled their Rules of Procedure and By-Laws to see if there are some good things. She saw some common things in reading through those; so, she thought it would be kind of helpful to look through those. The first question would be, does the Planning Commission wish to review and perhaps update the By-Laws? And if that's the case, she thinks that a general discussion would be helpful. Another question would be, does the Planning Commission wish to establish a set of Rules of Procedure? She thinks it might

be helpful. She would be happy to help out on this but to maybe establish a working committee to hash those things out or to bring back a revised draft after discussion tonight of whatever the pleasure of the Planning Commission is regarding those questions.

Mrs. Maucher stated that she will open for the By-Laws since it's been twelve years since they have been reviewed. She thinks that it is good as a practicing body to take a look at our By-Laws to see what they say, if they need to be updated, and are they being kept current in times. The Rules of Procedure are particularly of importance to her because they have had some meetings that have evolved a little bit and there was a little bit of a struggle. She thinks that it is important to have clear rules that we as Planning Commissioners understand and that the public can also understand or that they can at least point the public to as to why we are doing what we are doing.

Mr. Hartman stated that this is a discussion and he believes that the Rules of Procedure involve a discussion like in the City of Newark. He thinks a discussion before the motion is made is very important. He also supports looking at the By-Laws and changing it to the gender neutral language for one thing. The question for Planning Staff is, can the By-Laws and the Rules of Procedure be included into one document to avoid conflicts or do they need to be two documents? Responding to Mr. Hartman, Mrs. Gray stated that she thinks having two separate documents would be better to not have a conflict. She thinks that if they are merged into one that might create a conflict.

Mrs. Denney agrees that they should be separate.

Mr. Hartman stated that just reading the City of Newark's Public Hearing Rules of Procedure, he thinks he knows what you are speaking of earlier about the evolution of some meetings. The discussions about agenda items in the City of Newark's procedures, the public comment, and especially the conduct of the public while they are speaking, he thinks those are important to consider for our Rules of Procedure if we develop them.

Mrs. Welsh stated that she noticed when reading through these, some of the procedures particularly about public comment, such as Item #1 about time and also about a consensus so that there is not twelve people saying the same thing repeatedly during the meetings. She will kind of throw in her own personal view. We used to really do those things. They were always mentioned in previous meetings probably five or six years ago as part of the meeting procedures. She doesn't know that they were actually written down. She is assuming that's where we are kind of going with this issue, is to have them written down. They were just part of the general meeting procedures of how we were conducting the meeting and maybe not necessarily information that the public would have had prior to the meeting. So, that would be helpful she thinks.

Mrs. Denney stated that most of you know that she chairs the Board of Adjustment for Kent County. They use Mason's Rules and it works very well. What they do at the beginning of the meeting is they make everybody aware of a limited time. It can be at the discretion of the Chair to allow an extension of time. In some cases, you have to. You have some cases where two or three lawyers speak. So, they do allow that from time to time, but it's at the discretion of the Chair and/or the Board. Sometimes the board members will look over at her and ask her to let them continue or get them to stop. She thinks that it is important to be able to do that for a lot of

different reasons. She also believes that it's important for us to limit the amount of time that somebody can comment because otherwise we would be there until midnight. It just gets to be too much. The other issue that comes up from time to time, especially if it's what she calls "the pack the room controversy" that happens from time to time. You will have people who have gathered everybody in the neighborhood and the next three neighborhoods down and everybody gets up and makes the same comment. They will listen to a few of those and then at some point, they will make a decision, which is generally at the discretion of the Chair or the Board members. In those instances, they will often say anyone who has the same feelings and the same comments please raise your hand. The minutes will then indicate a number. For example "thirty-five people in the audience raised their hands to yes." They will then ask again for anyone who opposes. That really saves a lot of time at the meeting. She is always careful to mention that if somebody has anything to say different, then absolutely we want them to speak up. That was hard for her in the beginning because she really doesn't feel that it is appropriate for us to not allow everyone to speak at a public hearing. That is what we are there for, but that is a suggestion of how we handle it at Kent County.

Mrs. Maucher stated that she has been to public hearings like that before where they have done that. She agrees. She is very reluctant to stop or interfere with public comment but if it's the same thing over and over again. As to timing, it is hard to say that you only have five minutes if that wasn't announced at the meeting and there is nothing to point to that says you have so many minutes. So, she thinks the ways that the meetings are conducted need to be laid out very clearly so that we are all on the same page. Responding to Mrs. Maucher, Mrs. Denney stated that theirs is for the County and it is on the notification. When the notification goes out for the public and published in the paper and then of course at the beginning of the meeting, they read all of this. It does say that there is a limit so that you are not blindsiding someone. The other thing that she meant to add was that their Counsel is present and people giving testimony need to state their name and address and be sworn.

Mrs. Maucher stated that she thinks she saw that in one of the minutes. Is that going to dissuade people from speaking in the public? She would have to think about that and probably have some opinion from Counsel because it is public comments, it's not evidence. Responding to Mrs. Maucher, Mrs. Denney stated that she should correct herself. That is if you are getting up to speak for or against somebody, then you have to be sworn. They are very adamant and they mention that they don't want any discussion about acrimony. That doesn't take place; that's not what they are there for. If they are going to give testimony for or against something, they are sworn. But again, we have Council present at every meeting.

Dr. Jones stated that she wants to repeat what has already been said but she does also believe that perhaps we should consider a time for our speakers. She is even thinking a limit on the perspective of a concern. For example, two or three people speaking for and two or three people speaking against. She thinks we have done something like that in the past instead of having members of the public get up and repeat the very same thing. Also, she agrees that they need to clean up the gender references in the By-Laws. One other thing, whatever we do, her suggestion would be that the public can view these documents. For instance, in our By-Laws of the Planning Commission, Section 1, she believes that we should take a little bit more space and time to spell out what is set forth in Chapter 7 Title 22 of the *Delaware Code* for people who are coming in

and need to understand. Those are her thoughts in terms of purpose because it has been her understanding that there are a lot of people who really don't understand the purpose of the Planning Commission. She thinks it would cut down on some of the anxiety and issues that we have.

Mrs. Welsh stated that she agrees with Dr. Jones' comment.

Mrs. Denney stated she agrees as well.

Mrs. Maucher stated that she thinks that they can all be in favor. The other thing from a recent application about opening the record for the public hearing and if we defer something, people coming back with the expectation that they are going to be able to speak. She thinks those need to be clearer because that was a very difficult decision. She is glad that they had very good counsel here to help with that. She thinks that is one thing that also needs to be clearly spelled out for the Chair and for the people that are in the audience. It's an issue and people need to understand it.

Mrs. Denney stated that she whole heartedly agrees. From time to time, it does become necessary to table something and continue later. In our particular instance from time to time, there will be some type of a stalemate and one of the members will say let's table this until the next meeting. Essentially what we are doing is tabling the vote and it is specific that the missing members will have the opportunity to read or listen the minutes from the prior meeting. Then it will not be an opportunity for somebody to say "when I was here last time I forgot to say...". That is over and we are tabling only the vote. If we are continuing because the hour is late and we are going to let people speak the next time which is rare, typically they say "For the record, we are not taking any further comment, we are just voting." Or if someone has already appeared and given testimony prior to this, they had their opportunity at the last meeting because again, you don't want somebody coming back and saying "well in the meantime, I thought about this."

Mrs. Maucher stated again, we are public servants and we need to encourage public participation and not make things so onerous that people don't want to participate but there needs to be set established procedures. Of course there are exceptions which can be considered, but she thinks that it needs to be very clear for everyone. It sounds like there is a consensus that we should go forward and look at the By-Laws and some Rules of Procedure. Do we want to setup a subcommittee to have a few people work on that or do we want to have Planning Staff, who doesn't have enough to do since there are no applications? Should we come up with a red line? She thinks that it is easier to have something presented with red line. We can sit here and go through everything or we can submit our own red lines. In her job, they have check in and check out. She thinks it is easier to take what we have. She particularly likes the City of Newark. She thinks that they had a lot of good things. There were things from the County that were a little over the top for us. But if we took our By-Laws, then did some red lining to them or had Staff do some red lining to give some direction. Then we could take the City of Newark's Rules of Procedure and use that as a template for our own. That is her recommendation but she didn't know if anyone else had any thoughts on the sample Rules of Procedure that were shared with us.

Mrs. Welsh agrees and she will say that as she was reading through the documents, she thinks that Mrs. Maucher is correct that the City of Newark is very similar to what we do with just little tiny tweaks. With some of the things especially in the Rules of Procedure, we do those things and we say those things, but they are not in a document. But she thinks that the City of Newark is very similar to what we do already.

Mrs. Maucher stated that there is a municipality that has decided to end WebEx meetings. She doesn't know if that is at the purview of Council or is that a decision that the Planning Commission makes and if that needs to be incorporated in the Rules of Procedure regarding hybrid meetings.

Mrs. Denney asked if they were looking for a motion to create a Subcommittee to review these and come back. Responding to Mrs. Denney, Mrs. Maucher stated yes. Do we want to do a Subcommittee? Is it something that we can do through emails or is that too onerous?

Mrs. Denney stated again, she is not suggesting a preference but she does agree that something through email where they all could communicate when you have a moment could work. Once the email goes out then maybe we go back in forth and maybe before the next meeting we have to address it and talk to each other or something like that. Responding to Mrs. Denney, Mrs. Gray doesn't think that they can do that; it has to be public.

Mrs. Maucher stated that with a Subcommittee, it would have to be less than a quorum so it would have to be three members. So, if three of us wanted to get together and work on something. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that per your current By-Laws, there is a section on committees. It talks about a Subdivision Committee, but also in Section 10.2 it states that "other committees may be appointed by the Chairman from time to time with the approval of the Commission." So she thinks that Mrs. Maucher could probably put forth a motion to establish a committee and have the Commission agree to that path forward.

Mrs. Maucher moved to establish a Subcommittee for the purpose of developing red line changes to our existing By-Laws and to develop Rules of Procedure to bring back to the whole Planning Commission, seconded by Mrs. Denney and the motion was carried 8-0 by voice vote.

Mrs. Maucher volunteered to be on the Subcommittee because she red lines all day at her day job.

Mrs. Welsh asked if we know when we are going to do this. Is it just going to be one meeting? Are we anticipating three or four? Is it going to be done by the (next) Planning Commission meeting? Responding to Mrs. Welsh, Mrs. Maucher stated that she wouldn't put that strict of a deadline on it, plus it is going to depend on the volume of the next meeting. She would say that if there are three of us, then we can do email to exchange documents and make discussion and suggestions and then send it to Planning Staff to put on an open agenda as soon as reasonable. She thinks that it is something that is important to get done right away and not drag out for months on end.

Mrs. Welsh stated that she would be volunteering and say that if they are going to be doing it

through email and working through it, she could make that work.

Mrs. Denney stated that she will volunteer. Hopefully it will be agreed with Mrs. Welsh. It is much easier if they could do email in the beginning. Then if they have something that we want to bring before the Commission or talk to anybody else about, then they can do what needs to happen for that. She doesn't know because it is so different from what she does otherwise. If need be, maybe they could add it on an agenda for the end of a meeting if we all need to discuss it. She is happy to participate in the committee, but she really feels that the other Commissioners in this room should also be included. She doesn't just want to make decisions and say lets do it our way.

Mrs. Maucher stated that she thinks it is easier to have something that has been marked up and modified for people to react to then to have to create it all on our own. She will take the first stab, do a red line of the By-Laws. She will take the City of Newark Rules of Procedure and do some mark up on that and circulate it to see where we are and what we need to do to move forward.

Mrs. Denney asked if the City of Newark uses Mason's Rules. Responding to Mrs. Denney, Mrs. Gray stated that they haven't adopted them officially; they use a modified Robert's Rules of Order.

Dr. Jones stated that she is very comfortable with this Committee going through and you have heard the concerns and so forth. The recommendation is for this body. She hopes that we don't have to come back and do a whole lot of discussing because she thinks that you have heard some of the concerns and you have the documents.

Mrs. Maucher stated that she would envision bringing it back to the Commission, they vote on it or discuss the changes. If everything is great, we will vote on it; if not then we will make changes. Her other question is, we are our own self-governing type of body? So, we don't have to have this approved by Council, correct? Responding to Mrs. Maucher, Mrs. Gray stated that is correct.

Mr. Cooper asked if the Subcommittee was reviewing the By-Laws and the Rules of Procedure together. Is the one committee doing both? Responding to Mr. Cooper, Mrs. Maucher stated yes.

Planning Commissioner Comments and Concerns

Mrs. Maucher stated that this is going to be an open dialogue. Do the Commissioners have any concerns or comments that they want to bring to be considered or looked at?

Mr. Cooper stated that this is the first time that he has ever seen this on the agenda. Is this why we have the referee in the room? Responding to Mr. Cooper, Mrs. Maucher stated that she wondered that herself; we might need it.

Dr. Jones stated that there is a City Department that works to try and attract businesses to the area. Is she correct? Responding to Dr. Jones, Mrs. Denney stated that it was the Downtown

Dover Partnership.

Dr. Jones asked if there was dialogue with the Downtown Dover Partnership and the Planning Commission. She is curious about that and she is looking at the summary of applications. Does Downtown Dover Partnership have authority? Being on the Planning Commission, one of the things that she hears all of the time is “well everybody has heard about #5 car wash and #4 car wash.” But as she tells them when the application comes, it is not our task to make a decision. She knows that there is the *Comprehensive Plan* for the City of Dover and so forth, but she is just wondering about communication. Are we in sync just with conversation? For instance, what about a four-star, if not five-star restaurant in the area. What about theater? You get all of these questions, and you simply have to say “that is not our task.” Our task is when the applications come before the Commission. Is there general conversation at any point in time? Responding to Dr. Jones, Mrs. Gray stated yes, there is a lot of conversation. The Downtown Dover Partnership is not necessarily an arm of the City, but it coordinates with the City. The City partially funds the organization. It is a non-profit organization and they do coordinate a lot with the City. They do attend a lot of City meetings. The City Planner and the City Manager are on the steering committee of the DDP. Up until today because they just hired a Development Director, Mr. Ken Anderson, she has been participating in weekly meetings called implementation meetings since the Mosaic Plan (Downtown Strategic Mater Plan) has been implemented. Mr. Swierczek, as part of his job tasks, he coordinates a lot with Tina Bradbury who is part of the DDP with the Downtown Dover Incentives. So she doesn’t think that a week goes by where you are not talking to Tina at least a couple of times as week. She talks to Tina and Diane Laird, who is the Executive Director quite often. She talked to her three times today, one about a meeting and two follow-up calls. There is quite a lot of coordination and they are aware of things that are going on with City and vice versa.

Dr. Jones asked if they are aware that there are many desires for the overall infrastructure of the City of Dover. We have all of these people coming in. We know why they come and we know how they benefit. We are happy for them but questions are asked. She just wanted to put that out there because they are not going to read the *Comprehensive Plan*. The Planning Staff did a wonderful job of putting it out there where people could have had some input, but we all know that is not how things typically work. So we can’t really do anything about that *Comprehensive Plan* but we can be mindful of it and the things that are desirable for the City of Dover.

Mrs. Denney stated that she has an issue and maybe she just doesn’t understand because obviously the City and the County are different. She is more familiar with the County. They have had an application before us a few months back and this bothers her still to this day because in the end, she voted. There had been some confusion about annexation and this was annexed and that was annexed. They had a landowner come before us to ask with a filed application. She didn’t understand then and to this moment, she does not understand it because there was a problem with identifying and looking back at the annexation records and you truly could not tell who owned that property. We had a lawyer here and it was very confusing. Yet, we as a body, listened to application, arguments and then eventually it was tabled and then it came back and we voted. She to this moment, doesn’t understand how this body or any body could vote on something when we don’t know for sure who the landowner is. She actually came very close to contacting the Mayor and saying “I can’t do this anymore” because this is really weird to her. It

is very much not within the principle that she keeps because of fairness and also following the *Comprehensive Plan* and also following the law. We don't make decisions on our own. She thinks that it would be better, unless it's within the concept of the *Comprehensive Plan* and the rules and regulations of the City and the Planners. She felt that it was very difficult, so much that she still thinks about it. Can you help her understand when in the end, it was never truly identified except we think this and we think that and maybe that. How could we vote on it because she understands that you don't vote on something because of who owns it but she doesn't feel like we had a right to vote on something unless we were absolutely positive that the person who is bringing the application before us was the landowner. Suppose Chris wanted to open a business across the street and maybe there was some ambiguity with that because of some transfer of the property and then all of sudden we say, "once upon a time it looks like maybe." She is confused about that and she needs help understanding what happened and how it happened and what the rules are.

Dr. Jones stated that before that is answered, can she ask one thing to go along with that? Was this something that has never happened before?

Mrs. Maucher stated that she does not know but she knows that that issue is the subject of a pending lawsuit so she is not sure if we can discuss it or not.

Mrs. Gray stated that it is part of the public record as Staff indicated at the time that the question was asked. The annexation process that was articulated was the road; the secluded right-of-way was annexed. The dispute is that a property owner is saying that they own the right-of-way and the City is indicating that that's a right-of-way. Responding to Mrs. Gray, Mrs. Denney stated that part she understood. The part that she didn't understand is can someone come before us with an application that includes that property? On the plans, it appears that that property belongs to that applicant and yet it has not been defined who it belongs to. How could we vote on it because the only person who should be able to apply for anything on that piece of property would be the property owner themselves?

Mrs. Gray stated that she thinks we are talking in circles. She believes that she answered the question. The City annexed that road which included the right-of-way. The applicant has owned a piece of property on the other side of that road. They clearly owned that property; that ownership of that property is not in dispute.

Mrs. Denney stated that you really didn't answer her question but she thinks that we should just drop it at this point because again, there is litigation. It is not important that she understand it now but probably some day in the future after all that is settled, she is going to ask because it is hard to vote on things when she doesn't have a clear understanding of why. Maybe in the end she will understand why.

Mrs. Maucher stated that one of the issues that repeatedly comes up and Mr. Hartman made a motion about the Traffic Impact Study. She has asked Planning Staff to find time at an upcoming meeting to have a presentation from DelDOT to help us all better understand the process of when they are required and when they are not just because she has no idea. You have these projects that DelDOT says they don't need one for and she wonders why not. Hopefully it will be soon to

have the presentation from DelDOT. Another one that struck her recently was that they had another application come up that was connected to a larger property that had been approved twenty years ago. She had no idea that it had been approved. When you are making these decisions, she feels like sometimes we make them in a vacuum. Something has been approved but not developed so you don't see anything there but it could be developed and that is going to be three hundred homes and then four hundred homes here. She presumes that the City does its own GIS mapping. So when we get these applications, not just that this is here but this project has been subject to this application and it can be developed or it's two year expiration isn't up yet. She was very surprised that there was development that was twenty years old that hadn't even been started and that they could just start it. That kind of thing is frustrating because again when you are asking about three hundred homes on this parcel, the parcel next to it could have been approved for four hundred. So, how does that feed into the TIS's that are needed. Does DelDOT look at the fact that there are four hundred houses here and this one is three hundred but we are only going to look at it for three hundred houses but there are actually going to be seven hundred?

Mrs. Denney stated that not too long ago, we had an application and she thinks that it was a car wash. But at any rate, there is one here and one there. Mr. Hartman said let me table it because I want to go talk to the bank or whatever he said about what they think about it. Our laws are our laws and our *Comprehensive Plan* is our *Comprehensive Plan*. We can't go to somebody and ask if they are okay with somebody being their next door neighbor. If it is approved and it's in keeping with our laws, then they have a right to develop it whether the next door neighbor wants it there or not. She thinks that she even agreed to table it in the motion but as she got home she thought why did I do that? She just wanted to point out that we are here to follow the rules, not to necessarily make everyone happy. She shouldn't be going to people to ask if they are okay with something next door because if they weren't for some reason then they have an opportunity to come to the meeting and ask publicly and someone can help them understand maybe why we don't have control. Responding to Mrs. Denney, Mrs. Maucher stated that is all in the notice process for neighbors. She doesn't know if that would go into the rules of practice. She knows when you are within a certain distance from a proposed development, then you have to be notified by mail. Sometimes somebody will come for a rezoning and you open up a whole big can of worms for a whole bunch of things. Maybe if it's that thing okay but then you rezoned it and they could come back later and put something else there that was totally unexpected. She really dislikes rezonings without an application to go along with it. She doesn't know if that is something that could be reviewed. She knows that we want to be friendly to development in the City for job creation and housing development, but a lot of these blanket rezonings with fifteen different options are a little frustrating.

Mr. Cooper stated that was like the meeting with the application Downtown where they wanted to have the gatherings on Loockerman Street. His comfort in the whole situation was that somebody mentioned that the Fire Marshal's Code was forty-nine or something for the building. He was like okay it is tied to the owner, not the applicant so it's never going to turn into anything crazy regardless of who ends up owning a business there. But it was because of that caveat that made him feel comfortable with that. Aside from that, he was hung up on exactly what you are talking about. What's next because the variance was tied to the owner not the business owner, which gave him a lot of heartburn but the Fire Marshal's Code made him calm down a lot.

Dr. Jones stated thank you for the opportunity to have some discussion because there are a lot of questions sometimes and she echoes the sentiments of saying “did I really understand that.”

Mrs. Maucher stated in the past, we used to have quarterly workshops at lunch time and we could have a learning topic and also air grievances.

Mrs. Welsh stated that she found those very helpful.

Mrs. Gray asked if the Commission would like to return to that. Responding to Mrs. Gray, Mrs. Maucher stated that because they were during the day, she wasn’t always available but she did try to make them when she could. If other Commissioners would find value in those, she is not sure how many others have attended them, but it was basically a workshop with an educational topic and then a discussion of any concerns that we might have.

Mrs. Denney stated that she is always anxious to attend anything that she can fit into her schedule that helps her learn more. She has not been to one, but she would be happy to attend one. Retirement just means that everyone can call you and ask you to volunteer for this. It is a whole different level of working, but she would love to attend one and she would be happy if they have them.

Mrs. Welsh stated that she thought they were very helpful. Maybe we don’t need quarterly but maybe just twice a year is sufficient.

Mrs. Maucher stated especially as we have members of the Planning Commission members come and go. As new people come in, that might help.

Dr. Jones stated that there is so much to learn.

Mr. Roach stated thank you so much everybody for the dialogue. He was kind of quiet this evening because you know him, he is more interactive when it comes to the applications. In regard to the By-Laws and the development as for as the Rules of Procedure, he is more of a rule follower. He appreciates you all going into it tonight. He appreciates everybody’s hard work that they do; especially the Planning Staff. A lot of the times, we get to the meetings and all of the work is already done or us.

Public Comment – No one from the public spoke.

Meeting adjourned at 8:21 PM.

Sincerely,

Kristen Mullaney
Secretary

