

CITY OF DOVER PLANNING COMMISSION
JULY 17, 2023

The Meeting of the City of Dover Planning Commission was held on Monday, July 17, 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), Mr. Hartman, Mr. Baldwin, Dr. Jones, Mrs. Welsh (virtual), and Mrs. Maucher. Mrs. Denney was absent. 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, Ms. Katherine Oehmke, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Ms. Chevonne Boyd, Ms. Dana Dunphy, Mr. Mark Rinehart, Mr. Khalid Zerrad, Ms. Mackenzie Peet, Mr. Michael Glick, Ms. Lauren Townsend, Mr. Chad Warren, Mr. Dave Heatwole and Mr. Henry Mast. Speaking from the public were Ms. Ellen Dunn, Mr. John Pfleegor, Mrs. Samaria Pfleegor,

APPROVAL OF AGENDA

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

APPROVAL OF MEETING MINUTES OF JUNE 20, 2023

Mr. Hartman moved to approve the Planning Commission Meeting Minutes of June 20, 2023, seconded by Mrs. Welsh and the motion was unanimously carried 7-0 with Mrs. Denney absent.

COMMUNICATIONS & REPORTS

Mrs. Gray provided an update on the regular City Council and various Committee meetings held on June 26 & 27, 2023.

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, August 21, 2023, at 7:00PM in the City Hall Council Chambers. At the moment, it appears that there may not be applications for consideration that evening, but as we get closer, they will make the determination whether or not to have that meeting. There may be other items to bring before the Planning Commission.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the In-Person Meeting and Virtual Meeting using the WebEx system.

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

C-23-02 The Hive: Business and Event Center at 28 W. Loockerman Street – Public Hearing and

Review of a Conditional Use Application to permit the conversion of the first floor (2,493 SF) within an existing building to serve as a professional office and event space. The property consists of one parcel of land. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located at the south side of West Loockerman Street between the southern termini of South Bradford Street and State Street Alley. The owner of record is Conekt LLC. Tax Parcel Number: ED-05-077.09-04-15.00-000. Property at 28 W. Loockerman St. Council District 4. *Consideration of Tree Mitigation Plan.*

Representative: Ms. Chevonne Boyd, The Hive

Mr. Swierczek stated that C-23-02 is a Conditional Use Plan for 28 W. Loockerman Street. Some of you may remember that address as formerly the address of Bel Boutique. The applicant is seeking to allow professional office and place of public assembly use to be included in the existing retail use. This is as their business model calls for a variety of different uses there to allow for hired private events, seminars, and other such uses related to business growth and development. The Planning Staff has included several recommendations. One is for the dumpsters to note consideration that for many of the businesses on Loockerman Street, the sort of traditional method of trash collection with dumpster enclosures is not very viable. They would like the applicant to consider using the established process for trash collection. For the Tree Mitigation Plan, the *Zoning Ordinance* does not currently have any provisions to accommodate situations like this where pretty much the entirety of the site is taken up by the existing building. So, obviously it is a little bit difficult to accommodate something like tree plantings if the entire lot is a building. For that, there has been discussion for a Tree Mitigation Plan and it has been noted that there was some discussion about coordinating with DNREC about providing a tree for a park within city limits.

Ms. Boyd stated that she is happy to say that they have selected a location for their trees. They will be planting four at the Fork Branch Nature Preserve this fall.

Mr. Hartman stated that as far as a Conditional Use goes to designate this as a public gathering, that also allows for night clubs and things like that. If this business closes and another business opens, would that Conditional Use still be in effect? Responding to Mr. Hartman, Mr. Swierczek stated that he believes that if the business was to close and it was to change ownership, then the Conditional Use would not be allowed to continue.

Mr. Hartman asked the applicant that when she says a place for “hired private events”, could you clarify what that means. Responding to Mr. Hartman, Ms. Boyd stated that it would be any sort of meeting, workshop, training, or social networking event. It could be a photography session, a video recording session, or a podcast session. So, it runs the gamut based on the need of the small business and nonprofit founders in our area. But everything is designed to help and support the small business sector.

Mr. Hartman questioned that with that description, aren’t there offices in the regular zoning that does that kind of thing as well. Mr. Swierczek stated that the use for offices is a permitted use in the zoning as is. The primary reason that the Conditional Use Application has been submitted is because of the “event space” that would more closely align with the consideration for a “place of

public assembly” and that type of use is explicitly listed as a conditional use in this zone. So because of the diverse nature and multifaceted description of this proposed business, we just wanted to make sure that sort of all of the bases were being covered for the applicant and the proposed uses there.

Dr. Jones stated that for the public assembly, as she read she doesn’t recall reading a number. Do you have any idea what’s going to be the maximum capacity for a public assembly? Responding to Dr. Jones, Ms. Boyd stated that a comfortable cap for them is fifty (50) within in the larger space. The space has two separate areas where people could actually meet. So, the larger room that sits at the front would be about fifty (50) people at the absolute max.

Mr. Swierczek stated that he believes that number is fine, but ultimately that will be determined by the Fire Marshal’s Office.

Mr. Cooper stated that Mr. Hartman brought up a valid point. Are you the owner or the tenant? Responding to Mr. Cooper, Ms. Boyd stated both.

Mr. Cooper stated that Mr. Swierczek said something that gives him just a little bit of pause, so he is just looking for some clarification. He said if the property changed ownership that the Conditional Use would end. Does The Hive own the Conditional Use or does Conekt LLC? Responding to Mr. Cooper, Ms. Boyd stated that Conekt LLC owns the building at 28 W. Loockerman Street. Conekt LLC is owned by her and her husband. The Hive will become a tenant to Conekt LLC.

Mr. Cooper stated that he is trying to clarify as to whether or not The Hive would own the Conditional Use approval or if your LLC would. Responding to Mr. Cooper, Mr. Swierczek stated that he believes that it is tied to the ownership of the property.

Mrs. Maucher opened the public hearing and after seeing no one wishing to speak, closed the public hearing.

Mr. Hartman moved to approve C-23-02 The Hive: Business and Event Center at 28 W. Loockerman Street to permit the conversion of the first floor within an existing building to serve as a professional office and event space and to approve the Tree Mitigation Plan as described by the applicant here tonight and additionally a condition concerning the event space. The place of public assembly must be limited to a space for hired private events as well as seminars and other such uses related to a business’ growth as again described by the applicant here tonight. Further conditional upon prior to occupation by any private event, the occupancy limits must be approved by the Fire Marshal’s Office and Chief Building Inspector, seconded by Dr. Jones and the motion as carried 7-0 by roll call vote with Mrs. Denney absent. Mr. Hartman voting yes; it should be a welcomed addition to Dover. Mr. Baldwin voting yes; based on the aforementioned statements. Dr. Jones voting yes; she wishes the applicant the very best for a very zealous project. Mrs. Welsh voting yes; it seems like it will be a great use of that space. Mr. Cooper voting yes. Mr. Roach voting yes; he thinks it will be a great addition to the City. Mrs. Maucher voting yes; based on the DAC comments and also welcome to Downtown Dover. She appreciates them coming to Downtown Dover when there are a lot of areas outside of the center of the City

that you could have gone.

S-23-13 Delaware State ECIC Building at 1200 N Dupont Hwy - Public Hearing and Review of a Site Development Plan for a new 14,512 +/- SF Building on the Delaware State University Campus for the Early Childhood Innovation Center (ECIC). This 2 story building will be placed where there is an active Demolition Permit for part of the R. S. Grossley Hall. This new building will be separate from the remaining portion of the R. S. Grossley Hall. There is an existing parking lot that will serve both the R. S. Grossley Hall and the new ECIC building with 33 parking spaces, including 5 handicapped spaces. The property is zoned IO (Institutional and Office Zone) and also subject to the SWPOZ (Source Water Protection Overlay Zone). It is centrally located on the Delaware State University campus which the entirety is addressed as 1200 N. Dupont Hwy. Tax Parcel ID: ED-05-057.00-01-21.00-000. Council District 4.

Representatives: Ms. Dana Dunphy, Century Engineering, LLC; Mr. Mark Rinehart, Studio JAED and Mr. Khalid Zerrad, Delaware State University

Mrs. Melson-Williams stated that this is the Early Childhood Innovation Center building at Delaware State University. This is a new building proposed where previously part of R.S. Grossley Hall was located. A portion of that building does remain and will be detached from this new build. It is internal to the campus, almost in the center of the Campus and there are no specific waiver requests for this project. Ms. Katherine Oehmke worked on the review of this. The campus of Delaware State University is zoned IO (Institutional and Office Zone). It is also subject to the SWPOZ Tier 3: Excellent Recharge Area (Source Water Protection Overlay Zone) and with that, there are some limitations associated with amounts of impervious surface coverage. However, in this project area with the demolition of an existing building and then a new building going in its place, there's actually a decrease in this immediate project area of impervious surface; so, that's good for the Recharge Area. Parking on the University Campus is part of an overall Campus Parking Plan for the overall site. They do ask if there is any bicycle parking in the immediate area to be shown as part of the project. It is kind of centralized to the Campus and there is a lot of connecting pedestrian pathways that link this location to the surrounding area. There is an existing parking lot to the west of this building that will remain and likely provide immediate access for parking opportunities. The project for the new building does have some building architecture that was presented to the Planning Commission. It is a two story building, a rather modern looking building with lots of variation and dynamics to the facades with key features being brick and metal type siding panels. It has a relatively flat roof, but basically there is some variation in cornice height that gives them dynamic movement to all four of the elevations. You will be able to see all of them depending on how you approach the building. With this project being an early childhood education center, there a very sophisticated playground area that is part of the project. It is fenced and has a variety of walking trail systems and play structures. There are some targeted areas for age of children with the project as well. For tree planting, there are existing trees in the area and there are also proposals for more trees to be planted to meet the development area tree planting focuses for the project. Planning Staff did note some basic comments for improvements to the plan, but overall, it was a fairly detailed plan when it walked in the door. The other agencies have provided comments including the Department of Water/Wastewater. In this case, City water and sewer services go to the University and then there is a campus wide approach to their distribution. The same thing

happens with electric. The Fire Marshal's Office is certainly involved in the review of this and will be looking at it from the proposed occupancy classification as a day care facility and what that means for its necessary fire protection needs. There is kind of a walking plaza that's on the north side of this building that they believe has served in the past as fire lane coverage for the building. DelDOT is asking for the initial pre-submittal meeting. This is really interior to the campus with no changes to how you access Delaware State University. In the case of stormwater management, because this is a State owned property that falls to the Department of Natural Resources and Environmental Control with their Division of Watershed stewardship; and they have begun that review process with that State agency.

Ms. Dunphy stated that she just wanted to reiterate what Mrs. Melson-Williams had mentioned with the DAC Comments that they did receive. They have made submission to DelDOT and they are expecting their comments from them this week. They (DelDOT) will be approving their submission. They have also made their second submission to DNREC. They had made it originally, received comments, and they have addressed those comments and have resubmitted with that.

Dr. Jones questioned if the parking lot that is currently there, will that be exclusively for the center? Responding to Dr. Jones, Ms. Dunphy stated that it is currently serving the existing Grossley Hall. It will also serve for the new ECIC Building, the portion of Grossley Hall that's remaining, as well as the adjoining building to the south side.

Dr. Jones asked if they were referring to Delaware Hall. Responding to Dr. Jones, Ms. Dunphy stated yes.

Dr. Jones asked if there was a kitchen in this facility. Responding to Dr. Jones, Mr. Rinehart stated no, there is no kitchen.

Mr. Hartman asked if the dumpster situation has been resolved yet. Responding to Mr. Hartman, Mrs. Melson-Williams stated that he may want to go to the applicant. She believes that Delaware State University has sort of a campus-wide approach to collection of trash and recycling materials. She thinks that the applicant's representatives can enlighten them on that.

Ms. Dunphy stated that DSU has a centralized location for their dumpsters and then the trash will be collected from the buildings and then the appropriate Staff will take it to the appropriate dumpsters.

Mr. Hartman stated that that the Fire Marshal mentions fines and fees must be paid before the application can be approved. Can we expand on that? Responding to Mr. Hartman, Mr. Zerrad stated that they are currently working on that. They should have that resolved in about a week.

Mr. Hartman stated that in the interest of being a good neighbor, he hopes that we can resolve it.

Dr. Jones stated that for the Child Development Center currently, will it be replaced with this center? Responding to Dr. Jones, Mr. Rinehart stated yes, they will move into the new building.

Dr. Jones asked if there was a discussion of a kitchen with little ones. Responding to Dr. Jones, Mr. Rinehart stated yes, there was a discussion of a kitchen and it did not materialize.

Mrs. Maucher opened the public hearing and after seeing on one wishing to speak, closed the public hearing.

Mr. Cooper moved to approve S-23-13 Delaware State ECIC Building at 1200 N. DuPont Highway including the DAC Report and the comments in it, seconded by Dr. Jones and the motion was carried 7-0 by roll call vote with Mrs. Denney absent. Mr. Cooper voting yes; he thinks that you have a beautiful campus and he is looking forward to seeing another new building go up. Mr. Roach voting yes; based on the information that he read but he is having a very difficult time hearing the applicants. Mr. Hartman voting yes; based on the recommendations of the DAC. Mr. Baldwin voting yes. Dr. Jones voting yes; it is long overdue. Mrs. Welsh voting yes; she thinks it's a great addition to the University. Mrs. Maucher voting yes; based on DAC Comments.

S-23-15 Walker Road Professional Center Medical Buildings at 101 Mont Blanc Boulevard - Public Hearing and Review of a Site Development Plan Application to permit the construction of two 19,800 SF office buildings, parking, and other site improvements. The parcel totals 2.615 acres +/- and is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the southwest corner of Walker Road and Saulsbury Road, and east of Mont Blanc Boulevard. The owner of record is Walker Pavilion, LLC and equitable owner is Walker Road Professional Center, LLC. Property Address: 101 Mont Blanc Boulevard. Tax Parcel Number: ED-05-067.19-04-52.00-000. Council District 1. Waiver Request: Elimination of Loading Spaces. *This property was previously subject to Site Development Plan Applications S-05-18, S-06-46 and S-09-19 where construction did not commence, and the plans expired. The most recent Site Plan S-20-12 Walker Pavilion was granted Conditional Approval by the Planning Commission in November 2020 with an extension until November 30, 2023; Final Plan approval is pending.*

Representatives: Ms. Mackenzie Peet, Saul Ewing; Mr. Michael Glick, Lighthouse Construction; Ms. Lauren Townsend, Davis Bowen & Friedel; Mr. Chad Warren, P.E., Davis Bowen & Friedel

Mr. Swierczek stated that this is a Site Development Plan Application for 101 Mont Blanc Boulevard. They are proposing two (2) two-story buildings, with each one being a little over 19,000 SF. As an aside, some of you may remember that there was a recent application for this from 2020 for a one building in a two-story concept for a little under 25,000 SF. This is still technically considered an active application; but this is however, a different site design for this. The two buildings being proposed are for professional office buildings with the intent of being used for medical facilities. The property lies within the CPO (Commercial & Professional Office Zone). This is a permitted use here. It is also in the COZ-1 (Corridor Overlay Zone). This has some added site design requirements and architectural design requirements. For that, the applicant has submitted some renderings and elevation drawings to show that they would be meeting these requirements. The only vehicle access to the site would be off of Mont Blanc Boulevard to west. Saulsbury Road to the east and Walker Road to the north will not have any vehicle access. There will be pedestrian access from all three roads. The applicant has submitted

some supplemental information to show that they have revised the site design to include a sidewalk connecting to the buildings from Mont Blanc Boulevard. Planning Staff had a few recommendations mainly for the pedestrian connections that were cited in the Report. As noted, they did submit supplemental information to show that they would improve the pedestrian connectivity to the west to Mont Blanc Boulevard. Regarding the dumpster location, they (Staff) had recommended that they look for a less prominent location for the dumpster location. Currently, it's at the northwest corner. They (the applicant) had advised that it is a little bit limited to what option they have available to them due to utilities. They had submitted information noting that it would be a masonry dumpster enclosure and that they would do some added landscaping there to help shield it.

Ms. Peet stated that that Mr. Swierczek basically summarized everything that she was going to say and she is here to answer any questions.

Dr. Jones stated that she is familiar with the area and it is almost a congested area already with a lot going on. The initial application was one building and now it's two buildings. Can you speak to that just a bit? Responding to Dr. Jones, Ms. Peet stated that the initial application that was discussed proposed one building instead of two. The two-building design is a more efficient design and it maximizes the space there. In the current climate of development, phased development is more attractive. To have two smaller buildings, the ability is to fill a phase as needed by tenants. It just better accommodates potential tenants that might fill that space.

Mrs. Maucher opened the public hearing.

Ms. Ellen Dunn – no address given

Ms. Dunn stated that her property is directly behind this and she doesn't want to stop anybody from doing their business. But they said something about a restructuring. She would just like to know how the restructuring will happen and where will the entrance be from. Responding to Ms. Dunn, Mr. Swierczek stated that the applicant can go into some specifics, but with the site design that they are showing, the only vehicle access would be off of Mont Blanc Boulevard. There would be no access off of Saulsbury Road or Walker Road.

Ms. Dunn stated that as Dr. Jones said, it is already congested. She would love to get a medical building there. She is a retired nurse and she would like that. Hopefully, they can all work together.

Mrs. Maucher closed the public hearing.

Mrs. Welsh moved to approve S-23-15 Walker Road Professional Center Medical Buildings at 101 Mont Blanc Boulevard inclusive of the waiver request for the elimination of the requirement to provide loading spaces, seconded by Mr. Baldwin and the motion was carried 7-0 by roll call vote with Mrs. Denney absent. Mrs. Welsh voting yes; it is a nicely designed complex and she thinks that it is a good use of the vacant space on that corner. She thinks that it is needed facility for the City of Dover. Mr. Cooper voting yes; for reasons stated. Mr. Roach voting yes; for reasons stated. Mr. Hartman voting yes; based on the DAC Report as well as the letter from Mr. Glick from Lighthouse Construction dated July 6, 2023. Mr. Baldwin voting yes. Dr. Jones

voting yes; hoping that the traffic pattern is kind to the residents of that development. Mrs. Maucher voting yes; based on comments in the DAC Report.

SB-23-02 Land of Rojan Meadows: Minor Subdivision Plan - Public Hearing and Review of a Minor Subdivision Plan to subdivide two (2) existing properties consisting overall of 35,592 SF +/- (0.817 acres +/-) into four (4) new properties for development of one-family detached dwellings. From west to east, Lots 1 & 2 are proposed to be 8,890 SF each, and Lots 3 & 4 are proposed to consist of 8,901 SF each. An easement is proposed with a drive-aisle across the southern portion of all four properties for vehicle access from Rojan Road (proposed street), with no access from North Little Creek Road. The parcels subject to this Minor Subdivision Application lay on the south side of North Little Creek Road, across from the southern terminus of Nicholas Drive. The two (2) subject properties are zoned RG-1 (General Residence Zone) and are currently undeveloped. The owner of record for the two (2) subject properties Rojan Meadows, LLC. Current Property Addresses: 1542 & 1554 North Little Creek Road. Tax Parcel Numbers: ED-05-068.20-01-57.00-000, and ED-05-068.20-01-58.00-000. Council District 2.

Representative: Mr. Dave Heatwole; Siteworks Engineering; Mr. Henry Mast, Mast Construction

Mrs. Melson-Williams stated that this is a Minor Subdivision Plan. They are calling it the Lands of Rojan Meadows LLC. It involves two tracts of land currently addressed as 1542 and 1554 North Little Creek Road. These are two lots that are along that south side of North Little Creek Road in the front of where Rojan Meadows PND is currently under development. There is active construction happening related to infrastructure. With these two lots, they are currently undeveloped and the owner is looking to re-subdivide them back into four lots. Actually, the land area was four lots a number of years ago. Going from two lots to four lots, we have a Minor Subdivision which requires review by the Planning Commission. There is one Waiver Request that Staff has handled related to the elimination of upright curbing for the shared entrance drive. The series of four lots that are proposed have to meet the requirements of the RG-1 (General Residence Zone) zoning district. So, they meet the bulk standards for size of the lots and the various setbacks. What they are proposing with these four lots is while they have frontage on North Little Creek Road, the access to them will come off of the subdivision street of Rojan Meadows that is under construction now and that will ultimately be dedicated to the City of Dover. What they are proposing is an easement area in which there is a private drive that runs the across the back of all four lots and that's where you will access each of the lots. That same general area is also being utilized for some of the utilities to reach the four lots. It will be considered a private drive located in an easement; it is not going to built to city street standards and ultimately dedicated to the City of Dover. It is an easement area so very careful notations on the Record Plan and in deed documents will have to be identified for the long-term care and maintenance of this shared private drive. Planning Staff has approved the elimination of upright curbing for this shared drive, finding that it acts more like a residential driveway than a public street. They find that it's appropriate especially when stormwater management has drainage kind of flowing south over this (driveway) drainage area to a nearby drainage swale that's to the south of this series of lots. With the development of these lots, it's considered infill development. There is a requirement for sidewalk along the frontage of North Little Creek Road and Rojan Road. Both of which there are in notations in the Plan about the construction of those sidewalk

areas. Ultimately, with each lot development, they will also be required to plant a series of trees on the lots and that will be identified through any kind of permit process. It looks to be that each lot will end up with at least three trees. There is an existing tree that is currently showing as remaining on one of the lots. Because this is residential development, there is an active recreation requirement and what the applicant has proposed is that because of the proximity to Rojan Meadows PND, which is held in the same ownership, they are hoping to accommodate the active recreation area requirements for these four lots by adding that into the lots already being served by the planned active recreation in Rojan Meadows PND which includes a number of open space areas and then a centralized playground area. These four lots would become members of the Rojan Meadows HOA so a lot of paperwork is needed to assist that. Staff is fairly comfortable that that subdivision was providing well over the active recreation needs for it and it makes more logical sense for these four lots to join in participation in that active recreation area component. This Report also includes comments from the Department of Water/Wastewater, Public Works, the Office of the Fire Marshal, DelDOT and the Kent Conservation District. They have a little bit of work to do with each of those agencies to finalize the infrastructure planning for the site. She will note that water is City of Dover; however, wastewater will be the Kent County Department of Public Works. There is a force main that is in Rojan Road. Because of that force main owned by Kent County Public Works, they are the sanitary sewer provider for this subdivision and also for these four lots as proposed this evening. This is a Minor Subdivision, and it is a one step process here with the Planning Commission.

Mr. Heatwole stated that this is the original Subdivision Plan (showing a plan sheet). There are four residential lots here, all sixty feet wide. There is actually eleven lots on this Plan that are all sixty feet by one hundred and sixty feet. They are just proposing to subdivide back to the original dimensions. The area is single family residential and there are single family residential lots on most of these subdivided lots. For their subdivision, water service will come from North Little Creek Road. There is an existing water main, so they are just going to tap that water main and bring it into the lot. Sewer service, as Mrs. Melson-Williams mentioned, is from the rear and Kent County will have a gravity sewer main in the rear of these lots. Trash will be set out front since there are these other lots with trash service out front; so, that will just continue. For most of the stormwater, there is a pipe on the south side of this plan. So, most of the stormwater from these lots is just going to sheet flow across that private drive and into that swale and just be conveyed into the Rojan Meadows stormwater network. There is sidewalk in the front. Our access, as Mrs. Melson-Williams mentioned, is by this private driveway. He is not sure if Mr. Osika updated his comments, but they do not need this private driveway to function as an emergency vehicle access. That can be done by North Little Creek Road or Rojan Road. The private drive does not need to function in that manner. During the DAC Meeting, there was some concerns brought up about the long-term maintenance of the private drive. Their proposal for ensuring that that is legally to be maintained by the HOA is that they would need to modify the Deed Book, especially Article 3.2 which outlines the community's facilities and maintenance responsibilities. They would need to modify that to include this driveway and then he would want to note that on their Record Plan so that it's kind of bulletproof if there is any issues 20-30 years from now. You could go to the Record Plan and trace it back to the updated document that should be filed with their Subdivision Plan so that you can see clearly that the maintenance responsibility lies with the Rojan Meadows HOA. With the HOA, they would also include these lots as members of that HOA so they would have a voice in that they would be responsible to

pay the dues. As Mrs. Melson-Williams mentioned, there is some active recreation requirements so they would then be able to use the active recreation requirements that they would be paying dues for. They feel like it is a win/win situation. Mrs. Melson-Williams mentioned the waiver for curbing and we talked about active recreation so that was all that he had on his list.

Mr. Hartman stated that in light of what they have just been through with easements and property rights, how sure is the Planning Office that this alleyway or this private drive is not going to give us the same difficulties that they have experienced in the past. There are many things that have not been resolved like the HOA agreement. The deed annotations haven't been resolved and it says right in the DAC Report that access hasn't been resolved. Everything revolves around that access. How can we approve this without that being resolved? Responding to Mr. Hartman, Mrs. Melson-Williams stated that you need to take action on the Subdivision Plan before any of those changes could happen to deeds and any kind of Record Plans for the site. Our Report includes careful statements to ensure that if you are proposing the private driveway as shown in this Plan, that the entirety of it needs to be captured in easement documents that then are recorded appropriately. As Mr. Heatwole has noted, there are also HOA documents that would need to be updated. At this point, the HOA is fully under the developer's control. There are not residents on any of the lots that are covered by that HOA; so, she thinks Planning Staff is comfortable that those items will happen. That can be part of the process to achieve Final Plan Approval for the project. Ultimately, they would need to at least be recorded at the same time, so those references match up on the Plan versus the deed record. What is stated in our Report is that obviously there are some provisions that would need to happen, but they are not going to be able to do them before they appear before you because there is an action yet to be taken.

Mr. Hartman questioned that concerning the Rojan Meadows, what impact will these houses and the runoff, especially considering that there is no curbing, have on the Rojan Meadows? Responding to Mr. Hartman, Mrs. Melson-Williams stated that they should go the engineer to talk a little bit about how stormwater management is happening in this area. Obviously, they have got to do some coordination with the Kent Conservation District which is the delegated agency. But she thinks that Mr. Heatwole can explain how that happens in this area and where it goes on the adjacent property.

Mr. Heatwole stated that he has reviewed the stormwater design for the project and the drainage area for the Rojan Meadows design included this area as a residential design because most of that area drains into the Rojan Meadows storm drainage network right now, so it's already accounted for. Mr. Adkins with the Kent Conservation District wants us to amend the Rojan Meadows Stormwater Plan to include these four lots into that design from a limit of disturbance standpoint so that the NOI is tracked properly when they go to do the Building Permits. These four lots are already factored into that design.

Mr. Hartman stated that he had one further question about property rights. Since there is no curbing (there is an alley behind his house) and that's been reflected in the DAC Report that this is similar to an alley in the city. With people parking on either side of that alley in the grass, if they park on the Rojan Meadows side of that alley, will they be infringing on some property other than their own? Responding to Mr. Hartman, Mr. Heatwole stated that they have open space right there, but if you are into that open space, then you are infringing on the Rojan

Meadows LLC HOA's open space of which they would be a member of that open space.

Mr. Hartman stated that we hope. Responding to Mr. Hatman, Mr. Heatwole stated that the intent is that these four lots need to become part of this HOA so that they can use the active recreation and so that we can ensure that this private drive is maintained.

Mr. Hartman stated that other than the elimination of curbing, is there anything else that could be placed in that area to dis-sway parking on the grass on the Rojan Meadows side? Responding to Mr. Hartman, Mrs. Melson-Williams stated that there are other provisions in our Code that do not allow you to park on grass. You have to be parking on a paved dust free surface. So, while there is this entrance drive, each of the lots will be required to have two or at least one off-street parking space that is not the driveway. For example, if they were to park on the south side of this paved driveway, that would be a grass area and technically that could become a Code Enforcement case. She thinks that there is also some topography that is probably going to help avoid too much of that parking from happening because of the grade differences that are there along the Rojan Meadows Open Space area.

Dr. Jones asked if there were currently residents in Rojan Meadows? Responding to Dr. Jones, Mr. Heatwole stated not yet. It is under construction.

Dr. Jones asked if houses were under construction. Responding to Dr. Jones, Mr. Heatwole stated that it is just utilities and roads right now.

Mrs. Maucher asked if any of the properties have been sold. Responding to Mrs. Maucher, Mr. Heatwole stated not to his knowledge.

Mrs. Maucher questioned if that the modification of the HOA is just the developer and there is no vote by property owner. Responding to Mrs. Maucher, Mr. Heatwole stated yes.

Mrs. Maucher opened the public hearing.

Mr. and Mrs. John & Samaria Pfleegor – 1566 N Little Creek Road Dover, DE 19901

Mrs. Pfleegor stated that they are the property that butts up against the four lots that they are trying to divide up. She has two questions. The first question is before all of this started, was there a letter sent out in regards to a meeting? She is assuming that they received a certified mail about this meeting because our property butts up against the property that they are dividing up. But was there any notifications or meetings prior to this? They have lived here for almost 10+ years. It has always been woods and now all of a sudden, they are building a development. Which is not an issue but the question is was there meetings prior to this that they weren't privy to? Responding to Mrs. Pfleegor, Mrs. Melson-Williams stated that the application for Rojan Meadows is actually from a number of years ago. It was probably well over 10 years ago when that went through a very similar process with multiple public hearings. It has just taken a long time for them to get started. The Plan was recorded but with the market, the development is now finally moving forward for that area. But that Plan certainly had its own public hearing and processes a number of years ago.

Mrs. Pfleegor stated that they bought this house eleven years ago so was it prior to that? Responding to Mrs. Pfleegor, Mrs. Melson-Williams stated that she believes so.

Mrs. Pfleegor stated that she is not sure if this would have been talked about at prior meetings or where this question is appropriate, but traffic on North Little Creek Road is very dangerous. People fly up and down this road all day and all night. The entrance and the exit both dump out to North Little Creek Road. Is Rojan Meadows going to speak to Dover PD? Are they going to try to put up speed traps? They had an accident right in their front yard. Someone ran off the road and hit their cars. This is a very terrible road for speeding since it is right off of Route 1. So now adding all of these other people to this small area of road, are there any plans or provisions to combat those extra people and the large amount of speeding? It is even harder to get out of our driveway sometimes. Is there any plans for them to discuss that with anyone? Responding to Mrs. Pfleegor, Mrs. Melson-Williams stated that these four new lots are not going to have driveways off of North Little Creek Road. The existing Plan for the subdivision includes Rojan Road which you see under construction at the far west end of where these lots are. Rojan Meadows also has an exit only or right in only a little further east. Certainly if there are speeding concerns, we can share those with the City's Police Department. In this area, She is not sure what the speed limit is. The design and the location of both the entrances or what will be the public streets for the larger Rojan Meadows Subdivision were approved with an Entrance Plan review process with DelDOT. North Little Creek Road is a State maintained road so all access to it is controlled by that entity. With this project, there is not any new access points that are being proposed but certainly your concerns with traffic in the area can be shared with our Police Department.

Mrs. Pfleegor stated that the sidewalk is going to be in front of their property. Who maintains that road, Rojan or the City of Dover? Responding to Mrs. Pfleegor, Mrs. Melson-Williams stated that there is a sidewalk that will be constructed as part of the subdivision activity here. Ultimately, with it being in front of your property, you would be subject to snow removal on it. But the initial construction is not a burden for you as a property owner along that sidewalk.

Mr. Pfleegor stated that the entrances to our driveway where they currently sit, are they are going to construct those for vehicle access where it is now when they put this sidewalk in? Responding to Mr. Pfleegor, Mrs. Melson-Williams stated that she is not sure of the details of the improvements in the right-of-way along the series of lots that exist there. That was part of the Rojan Meadows overall plan. Certainly they can look up that information if you want to reach out the Planning Office in order to get you some better information on that. She does not have it available this evening.

Mrs. Pfleegor stated that they understand that you don't have it, but why didn't they reach out to us as the existing homeowners? She is not trying to be combative or upset. She understands that there are certain places that certain questions need to be brought up at but this is the first letter that they received. They had to Google "Rojan Meadows" to figure out who they were. Her question is, who do they reach out to or can someone send them a letter because this is the first interaction? This is the first thing that they have been invited to about this development. So that they don't keep asking you guys questions that you may or may not be able to answer, should they just reach out to Rojan Meadows or should they just expect them to reach out to us? A big

question is how are we going to get into our driveway? Responding to Mrs. Pfleegor, Mr. Mast stated that basically what's happening is, DelDOT has asked us to install the sidewalk but not mess with the driveways so that's what they are doing. In fact, they are paying for everything but they are following what DelDOT has asked us to do. In order for us to get Entrance Permits, that was something that they had to agree to.

Mrs. Pfleegor asked if they would take care of their mailbox that's in the area that the sidewalk is going to be built on. Responding to Mrs. Pfleegor, Mr. Mast stated yes, it will be in a lot better shape when they are done than what it is now.

Mrs. Pfleegor asked how far in advance do they get notice when you guys start to do this because obviously that's the only way we get into our driveway? How long is that going to take? Where do we park? Responding to Mrs. Pfleegor, Mr. Mast stated that he will have the site superintendent make sure that he is in contact with you probably a week before they actually start.

Mrs. Pfleegor stated that he will contact us and we will be able to get all of that information. Is it a day project or will it be a couple of days where they won't be able to access our driveway? Responding to Mrs. Pfleegor, Mr. Mast stated that you will be able to access your driveway every day. They are not going to make it where you can't access your driveway.

Mrs. Pfleegor stated like she said, they have never been through this and they are not going to be able to access our driveway when they are pouring concrete so there is going to be a point when they can't get into our yard. They just want to know the timeframes of where and how they are going to park. Like she said, they are not trying to be combative; she is just asking questions because they don't know. Like she said, no one reached out to us prior to today so they are just trying to figure all of this out last minute. Responding to Mrs. Pfleegor, Mr. Mast stated that what he told them was to make sure that you guys can come in right where their job trailer is sitting and you can pull right in there and park right next to your house.

Mrs. Pfleegor asked if they are going to pick up all of the nails and stuff. Even when going on the side of the road when she's pulling in, she's gotten two flat tires recently. So, they are going to make sure that all of their stuff is cleaned up before we park next door on your property? Responding to Mrs. Pfleegor, Mr. Mast stated that they will do whatever they can to make it a painless as possible for you.

Mrs. Pfleegor asked if they have any questions can they reach out to him directly. Responding to Mrs. Pfleegor, Mr. Mast stated that he will make sure that his superintendent is in contact with you on an ongoing basis.

Mrs. Pfleegor stated that as was said earlier, you guys are going to reach out to Dover PD about what they are going to do about the heavy traffic. She understands that those properties next to us face the opposite direction, but like she said, all of this dumps out to North Little Creek Road and is a major problem on this road. So are you guys are going to reach out and figure out the number of cars that come up and down this road and make sure that we are able to get out of our driveways safely? Responding to Mrs. Pfleegor, Mrs. Melson-Williams stated that the Planning

Department will share your traffic concerns with the Dover Police Department about what you are experiencing in that area. The Police Department will then determine any kind of enforcement efforts that they may be able to provide in that area to address your concern.

Mrs. Maucher closed the public hearing.

Mr. Hartman asked if there was a public notice for this and when was it? Responding to Mr. Hartman, Mrs. Melson-Williams stated that there is a little bit of confusion. Mr. Cooper was noting that we had previously entered into the record that the large part of Rojan Meadows PND was a Plan from well over eleven years ago and would have had its own public notice processes associated with it. For this particular Minor Subdivision for four lots, there was a requirement for a legal ad in the local newspaper and also mailing to the adjacent property owners.

Mr. Hartman asked if she said a legal notice in the paper and a notice to the adjacent property owners. Responding to Mr. Hartman, Mrs. Melson-Williams stated yes. The legal ad was published in the Delaware State News on July 2, 2023 and there were also mailings that were completed. They were postmarked on June 30, 2023 and they were mailings to a series of eleven addresses which represent property owners within two hundred feet of this four lot Minor Subdivision. They have that information here in our file.

Mr. Hartman asked if Mrs. Pfleegor received the notice. Responding to Mr. Hartman, Mrs. Melson-Williams stated yes, there was a mailing to a Mr. John Pfleegor at 1566 North Little Creek Road.

Mr. Cooper moved to approve SB-23-02 Land of Rojan Meadows: Minor Subdivision Plan including the waiver of curbing, seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote with Mrs. Denney absent. Mr. Cooper voting yes; based on the presentations and Staff recommendations. Mr. Roach voting yes; for reasons previously stated. Mr. Hartman voting yes; based on the DAC Report and the discussion tonight between himself, the applicant and Planning Staff. Mr. Baldwin voting yes; for reasons previously stated. Dr. Jones voting yes. Mrs. Welsh voting yes; for reasons stated in the application and for reasons previously stated. Mrs. Maucher voting yes; for reasons already stated.

NEW BUSINESS

Nomination and Election of Officers (Chairman and Vice-Chairman) due to Annual Meeting of Planning Commission

Mrs. Melson-Williams stated that included in the packets were the current By-Laws of the Planning Commission. July is your Annual Meeting and at such meeting, election of officers is to occur. Per your By-Laws, the vote on the election of officers is to be by secret ballot. You can certainly make a motion to suspend those rules if you so desire. The Commission does elect a Chair and a Vice-Chair. In the case of the Chair and Vice-Chair, they are limited to a period of four consecutive one-year terms in those offices and she would be happy to note that your current Chair has not served the full four years in that capacity. At this point, we are certainly happy to take nominations for those two positions of Chair and Vice Chair.

Mr. Roach moved to dispense with the secret ballot vote and move to voice vote for all elections and the motion carried 6-1 by voice vote with Mrs. Denney absent.

Dr. Jones nominates the current Chair (Mrs. Maucher) to continue in that role and our current Vice-Chair (Mr. Hartman) to continue in his role.

Mr. Hartman stated that although Mrs. Maucher has done an excellent job, he would like to nominate Mrs. Welsh for Chair.

Mrs. Melson-Williams stated that they should move that nominations be closed, then we can deal with the two individuals who have been put forth for Chair.

Dr. Jones moved to close nominations.

Dr. Jones asked if Mrs. Welsh accepts the nomination. Responding to Dr. Jones, Mrs. Welsh stated no. Thank you to Mr. Hartman for having faith in her but she does not think that she can take that position.

A voice vote was held for Mrs. Maucher to continue at Chair and the motion carried 7-0 with Mrs. Denney absent.

A voice vote was held for Mr. Hartman to continue as Vice-Chair and the motion was carried 7-0 with Mrs. Denney absent.

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with Zoning Ordinance, Article 10 §2.28)

Mrs. Melson-Williams stated that included in the packet is the Code excerpt that talks about the Architectural Review Oversight Subcommittee of the Planning Commission. This is another item that is appointed at each Annual Meeting. It is a Committee that is called upon if there are concerns with architecture. A project may be referred to that Committee. In her time with the City, it has happened once and she believes one time before that. The current people that serve on that Committee are two Planning Commission members, the Mayor or the Mayor's designee, and then two design professionals that are appointed to that Committee along with alternates to the design professionals. Currently, the Planning Commission members appointed to this Subcommittee include Mrs. Kathleen Welsh and Mr. Kenneth Roach. If you would like to confirm them for continued participation in that role or if someone else would like to volunteer, you can certainly do that.

Mrs. Maucher asked if there was someone else who would like to step onto that Committee. Seeing none, do Mrs. Welsh and Mr. Roach both desire to continue on the Architectural Review Oversight Subcommittee?

Mrs. Welsh stated that she would like to continue on the Committee.

Mr. Roach stated that he would like to continue on the Committee.

A voice vote was held for Mrs. Welsh and Mr. Roach to continue on the Architectural Review Oversight Subcommittee and the motion was carried 7-0 with Mrs. Denney absent.

Mrs. Melson-Williams stated that the other component to this are the design professionals. Currently it is Dr. RJ Chandler who is a member of the Del-Tech Community College and then Ms. Sarah Kieffer who is the Director of Planning Services for Kent County. Both of those individuals have previously served. Planning Staff can certainly reach out to those two individuals to see if they would be interested in continuing to serve and we can report that back to you. Or if you have other individuals that you would like to see appointed to that Committee, we can consider that as well. (By consensus, the Planning Commission referred the item to staff to confirm status and report back.)

Meeting adjourned at 8:40 PM.

Sincerely,

Kristen Mullaney
Secretary