PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on April 14, 2014, at 3:30 p.m. with Chairman Dixon presiding. Members present were Mr. Hutchison, Mr. Perza (arrived at 3:34 p.m.), Mr. Caldwell, and Mrs. Horsey.

AGENDA ADDITIONS/DELETIONS

Mr. Dixon requested that Item #2 - Update - Recreation Needs Assessment be deferred until the next meeting.

Councilman Hutchison moved for approval of the agenda, as amended, seconded by Mrs. Horsey and unanimously carried.

Proposed Ordinance #2014-08 - Amending Appendix B - Zoning - Article 3 - District Regulations - Section 10 - Institutional and Office Zone (IO); Section 11 - Neighborhood Commercial Zone (C-1); Section 12 - Limited Commercial Zone (C-1A); Section 13 - Central Commercial Zone (C-2); Section 14 - Limited Central Commercial Zone (C-2A); Section 15 - Service Commercial Zone (C-3); Section 16 - Highway Commercial Zone (C-4); Section 26 - Commercial/Professional Office Development District (C-PO); Article 4 - Zoning Bulk and Parking Regulations; Article 10 - Planning Commission; and Article 12 - Definitions

Mrs. Dawn Melson-Williams, Principal Planner, explained that she was presenting this item in the absence of Mrs. Ann Marie Townshend, Director of Planning and Community Development. She advised members that Mrs. Townshend had been attending meetings with representatives of the business and real estate communities, convened by the Central Delaware Chamber of Commerce (CDCC), since late 2012 to review the commercial, office, and industrial zones in the City in an effort to simplify the zones, create more generalized use categories, provide more flexibility in site design by adjusting bulk standards, and make the zones more business friendly. Mrs. Melson-Williams indicated that, as a result of this effort, Proposed Ordinance #2014-08 reflected proposed changes to Article 3 - District Regulations, Article 4 - Zoning Bulk and Parking Regulations, Article 10- Planning Commission, and Article 12- Definitions of the Zoning Ordinance. Mrs. Melson-Williams explained that Article 3 - District Regulations, provided descriptions of each zoning district and informed members that the proposed amendments would affect eight (8) districts. She noted that Article 10 - Planning Commission, was a procedural section of the Zoning Ordinance dealing with the processes of applications that come under review by the Planning Commission. Mrs. Melson-Williams advised members that the proposed changes to Article 10 would increase the thresholds for projects that require Planning Commission review and that Planning Commission review would be required for building additions of more than 15% of the floor area. She also indicated that additional definitions were proposed for incorporation in Article 12 - Definitions.

Staff recommended adoption of Proposed Ordinance #2014-08.

Mrs. Melson-Williams noted that she had not been involved in the process of drafting the ordinance and, therefore, suggested that the Committee may wish to consider deferring the matter until Mrs. Townshend was available to answer additional questions.

Mr. Hutchison questioned whether the proposed amendments had been completely reviewed by staff. Responding, Mrs. Melson-Williams indicated that Mrs. Townshend had worked on the amendments with the City Clerk's Office and that it was her understanding that the City Solicitor had given the amendments a cursory review. Mrs. Melson-Williams advised members that the CDCC and members of the Kent County Association of Realtors were part of the working group involved in reviewing the Code with Mrs. Townshend and helped create the proposed amendments. Mrs. Melson-Williams explained that she was not in attendance at the meetings of the working group; therefore, she was not certain who was present during those meetings.

In response to Mr. Hutchison regarding the purpose of the proposed changes, Mrs. Melson-Williams advised members that the amendments were designed to make the code easier to understand, clarify items that may have been outdated in terms of language, and include some changes to the processes that were intended to benefit the business and commercial entities in the City in regard to development and redevelopment of properties in downtown Dover and City-wide.

Responding to Mr. Dixon regarding possible effects of the proposed ordinance on liquor stores, Mrs. Melson-Williams stated that if the proposed amendments were adopted, existing businesses would be "grandfathered" and would be permitted to remain even if they did not fit the criteria of the new zoning. However, if such businesses were to cease operations for a period of one (1) year, they could not be re-established if they did not meet the new criteria. In response to Mr. Dixon's concerns regarding drugs and alcohol, particularly liquor stores, in the vicinity of schools and churches, Mrs. Melson-Williams indicated that the Neighborhood Commercial Zone (C-1) prohibits the establishment of liquor stores in these areas.

In response to Mr. Perza regarding the outreach efforts that had been made to inform the community about the proposed ordinance, Mrs. Melson-Williams stated that she was not certain to what extent outreach had been extended to the general business community, but it was her belief that Mrs. Townshend gave a presentation about the amendments to the downtown merchants. Mrs. Melson-Williams also mentioned that information had been distributed by the CDCC and other members of the working group, but was unsure to what degree. She reminded members that in order for the text amendments to be adopted, they would be subject to public hearings before the Planning Commission and City Council and that publication of a legal notice in the newspaper was required, although a direct mailing to property owners was not.

Noting that some of the proposed changes to simplify the code, broaden the requirements for additions, and bring the language up to date appeared to be beneficial, Mr. Perza expressed his opinion that the proposed ordinance needed additional clarification and corrections to the language before bringing it before Council. In reference to public hearings, Mr. Perza expressed his feeling that when changes are made that pertain to residential areas, citizens tend to express more concerns than commercial property owners. He felt that before bringing the ordinance before Council and the public, the language should be easier to understand. As an example, Mr. Perza noted that Article 10 - Planning Commission, Section 2 - Site Development plan approval, Subsection 2.11(a) - Planning Commission Site Plan Review could be improved. Responding, Mrs. Melson-Williams suggested dividing Section 2.11(a) into two (2) statements, one (1) applying to new structures and another to building additions.

Responding to Mr. Perza regarding the process by which the ordinance was developed, Mrs. Melson-Williams advised members that the changes were tracked by City staff as a result of the discussions of the working group, noting that the proposed ordinance was a result of several drafts. She noted that in some cases entire sections were re-written while other sections were only edited.

Mr. Phil McGinnis, McGinnis Commercial Real Estate Company, 555 Loockerman Street, advised members that he was a member of the working group, along with Ms. Judy Diogo, President, CDCC; Mr. Tom Burns, Burns and Ellis Realty; Mr. Conny Malmberg, Young, Malmberg and Howard; Mr. John Paradee, Prickett, Jones and Elliott; Mr. Bob MacLeish, Lighthouse Construction; Mr. Keith Cooker, Landmark Engineering; and Mr. Scott Kidner, CS Kidner Associates. Mr. McGinnis stated that a few other individuals participated as well, which provided a good mix of knowledgeable business people who were familiar with the Code. Mr. McGinnis stated that Mrs. Townshend initiated the meeting process and that the group went through the Code word for word, page by page, working to make the language more current and applicable to the needs of the City in terms of permitted uses and classifying things more generally to remove the need for interpretation. In terms of the building expansion issue, Mr. McGinnis shared his view that the larger employers in Dover who want to expand should not be required to come before the Planning Commission for changes that are minor in comparison to their vast size. He also stated that the proposed amendments were intended to incorporate smart growth concepts into the Zoning Ordinance, such as adding residential uses in some of the commercial districts, especially the neighborhood districts, so that people could live and work in the same general vicinity.

Responding to Mr. Hutchison's inquiry as to whether the properties could be converted from residences to apartments under the proposed changes, Mr. McGinnis stated that the residential districts were not reviewed; therefore, he was not certain whether homes could be converted from single-family residential to multi-family residential under the new ordinance, although he noted that there were a number of other districts where that was permitted. Mr. McGinnis stated that a meeting with the Downtown Dover Partnership (DDP) to discuss the ordinance was discussed but was unsure when that meeting would occur. He explained that the proposed changes were fairly technical and would likely seem transparent to the typical business person; therefore, it did not seem to be a high priority that every business owner attend a meeting to examine the ordinance. Mr. McGinnis advised members that Ms. Diogo had been advertising the proposed changes through the CDCC to make the community aware.

In response to Mr. Perza's concerns regarding the possible perception of smaller business owners that the changes were being made to benefit big businesses, Mr. McGinnis stated that the working group made vigorous efforts to make it easier for people to open up small businesses. He noted that the changes would eliminate the requirement for business owners to wait sixty (60) or ninety (90) days to go through a public hearing for conditional use approval.

Responding to Mr. Perza regarding the process for finalizing the ordinance, Mrs. Melson-Williams advised members that the Committee could exercise its option to refer the item back to staff to make the noted changes, clean up the language and bring it back to the Committee to make a

recommendation to Council, or the Committee could move it forward to Council by way of the Committee Report at the time of the First Reading and cite the suggested changes as part of the recommendation to Council.

Mr. Perza moved to recommend that Proposed Ordinance #2014-08 be referred back to staff for a final read through to make recommended changes and clarify language, and returned to the Parks, Recreation, and Community Enhancement Committee on May 12, 2014. The motion was seconded by Mrs. Horsey and unanimously carried.

Mr. Hutchison moved for adjournment, seconded by Mrs. Horsey and unanimously carried.

Meeting adjourned at 4:15 p.m.

Wallace R. Dixon
Chairman

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