CITY OF DOVER PLANNING COMMISSION
February 21, 2017

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, February 21, 2017 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Maucher and Mr. Tolbert. Mr. Holden and Mrs. Welsh were absent. New Planning Commissioner Ms. Deborah Edwards observed in the audience.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present was Mr. Gregory Moore. Speaking from the public were Mr. Lee Moran and Ms. Debra Handel.

APPROVAL OF AGENDA

Mrs. Townshend stated that application S-17-02 Mitten Industrial Park at 141 Lafferty Lane will not be heard tonight. Partial public notice was completed for this application but not the full public notice; therefore, it is not on the agenda for this evening.

Ms. Maucher moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Holden and Mrs. Welsh absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 17, 2017

Mr. Holt moved to approve the Planning Commission Meeting minutes of January 17, 2017, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Holden and Mrs. Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that tomorrow at noon the Planning Commission Quarterly Workshop will be held in the City Hall Conference Room. There will be two speakers coming in to talk briefly. Mr. David Edgell will be there to talk about the Comprehensive Plan Update which they are looking to being shortly. Mr. Rich Vetter will also be there to talk about the West Capital Gateway Plan which eventually staff will be bringing forward for endorsement by the Commission.

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, March 20, 2017 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on January 23 & 24, 2017 and February 13 & 14, 2017.

Mrs. Townshend stated that City Council confirmed the appointment of the new Planning Commission member, Ms. Deborah Edwards, for the 1st District. (She is here this evening to observe the meeting.)

Mrs. Townshend stated that in the packet there is a listing of the training offered by the Institute for Public Administration. She knows that Mrs. Maucher has been to two classes held in January and February. There are two classes in March, one in April and one in May. If anyone is interested in attending those, they will pay for the registration fees so just let Staff know.

Mrs. Townshend stated that they have purchased the ability to view a webinar that is put on by the American Planning Association. It's a half hour webinar and there is another piece of it that is also a half hour and will be available in March. Both of them relate specifically to the Planning Commission and the functioning of the Planning Commission and running the meetings. They want to make that available to the Commission but they didn't think it made sense to have two different half hour sessions because sometimes you spend a lot more time getting ready for a half hour session. They want to coordinate with Kent County to have both of them available at the same time, probably in the Kent County building. They would be able to invite their Planning Commission to attend as well. Hopefully they can coordinate that sometime in late March or early April. They will keep the Commission posted.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) S-17-03 Dover International Speedway Parking & Event Area Master Plan – Public Hearing and Review of the Dover International Speedway Parking & Event Area Master Plan for events such as the Firefly Music Festival event. The Plan is being reviewed as a Site Development Master Plan consisting of temporary and proposed permanent structures on the main festival grounds as well as existing and new parking and camping areas on various lands belonging to the Dover International Speedway. The twenty-four (24) properties are located on the east and west sides of Leipsic Road, the east and west sides of State Route 1, and the west side of Persimmon Tree Lane, and total 737.72 acres. The properties are zoned RC (Recreation and Commercial Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 3 Excellent Recharge Area and Tier 2 Primary Wellhead Protection Area). The owner of record is Dover International Speedway, Inc. Property Addresses: 74 Pit Stop Lane, 599 Persimmon Tree Lane, 1229 Persimmon Tree Lane, and other addressed and unaddressed properties. Tax Parcels: LC-05-058.17-02-01.00-00001, LC-05-058.17-01-07.00-00001, ED-05-058.17-01-11.00-00001, LC-05-058.17-01-08.00-00001, ED-05-058.17-01-18.00-00001, LC-05-058.17-01-09.00-00001, ED-05-058.17-01-19.00-00001, ED-05-068.05-01-02.01-00001, LC-05-058.00-02-08.00-00001, ED-05-068.05-01-16.00-00001, LC-05-068.00-01-01.00-00001, LC-05-068.10-01-01.00-00001, LC-05-058.17-02-01.00-00001, LC-05-058.00-02-15.00-00001, LC-05-058.00-02-17.00-00001, LC-05-058.00-02-16.00-00001 (split between 3 properties), ED-05-057.00-01-32.01-00001, LC-05-058.00-01-10.00-00001, LC-05-058.17-01-06.00-00001, LC-05-058.17-01-07.00-00001, ED-05-058.17-01-05.00-00001, and ED-05-058.17-01-11.00-00001. Council District 3. *Waiver Requests: Reduction of Bicycle Parking, Elimination of Sidewalks, Elimination of Opaque Barrier – Fence Component, and Alternative for Opaque Barrier Landscaping Component.*

Representatives: Mr. Gregory Moore, Becker Morgan Group

Mrs. Melson-Williams stated that this is a Site Development Master Plan. This is for the Dover International Speedway Parking and Event Area Master Plan. What's highlighted in yellow on the screen is the extent of the properties that are involved in this subject application. There are a total of twenty-four (24) of them mainly focused on the Speedway's holdings in the vicinity of Leipsic Road and Persimmon Tree Lane located on both sides of State Route 1. The collection of properties are zoned RC (Recreation and Commercial Zone). There are some portions of the properties that are subject to the SWPOZ (Source Water Protection Overlay Zone). The present use of these areas includes the auto and horse race track area, parking areas and festival areas. The same uses are proposed in the future along with the opportunities for what is deemed by the *Ordinance* as temporary activities and camping areas. Tonight, this is a Site Development Master Plan that proposes a series of what could be temporary and proposed potentially permanent structures on the main festival grounds which are primarily located to the east of State Route 1 as well as existing and new parking and camping areas which tend to be focused more in the Leipsic Road area and the immediate initial area of Persimmon Tree Lane. A number of these properties look familiar to the Commission as several of them were annexed into the City of Dover in the Spring of 2016 and then there was another application that rezoned a collection of properties to the RC (Recreation and Commercial Zone).

The Report includes information on the RC (Recreation and Commercial Zone) district. It has established setback requirements and parking requirements like any other zone; however, it does allow for properties to conduct temporary outdoor activities and temporary camping area activities subject to what would be an Annual Permit for each calendar year for those activities.

Tonight, we are looking at a Master Plan which will setup an overall concept for these areas. The Master Plan presents a concept for all of the different activity areas and should any of the particular areas become a permanent structure or include permanent activities then those areas would be subject to an Administrative Site Plan review process.

A number of things in the Code that they do take a look at even with a project of this type will be the compliance with the Source Water Protection Overlay Zone for the areas that fall within that zone. There are some limitations on how much can be covered by impervious surfaces. That would be reviewed more closely should each of those areas develop in a more permanent fashion. With this project, there is no specific architecture that's being presented this evening. If the building ultimately would be visible from the public right-of-way, it would require some additional review of that architecture. Looking at site considerations for the project, the RC (Recreation and Commercial Zone) does have a parking requirement that's based on the floor area of buildings or in the case of the race track based on seat count. Because we are looking at a project for temporary activities, there is not a specific overall parking count that will be established this evening. The temporary activities or temporary camping areas as part of their Annual Permit have to identify specifically the locations of parking and camping areas.

There are a number of waivers that need to be considered tonight because this is a project that has come before the Planning Commission. The first waiver request is regarding bicycle parking. Bicycle parking is typically required based on the number of regular permanent spaces that you have. The applicant is seeking a waiver request to eliminate the bicycle parking and provide bicycle parking as a temporary nature in conjunction with a layout and regulations of the event. So as part of the annual temporary outdoor activity or camping area permit, they would seek to establish bicycle parking on a temporary measure based on those activities. The second waiver request deals with sidewalks. The

Zoning Ordinance requires sidewalks to be established along all public street frontages. In looking at the project area on the Speedway lands, there is very limited areas that include existing sidewalk. There is some sidewalk that is on the north side of Leipsic Road but the other areas are currently unimproved when it comes to sidewalk areas. The applicant is seeking a waiver from the construction of sidewalks, citing that for the most part these project areas are temporary in nature and those temporary activities have their own means of transportation planning which includes pedestrian travel as well. So often the pedestrian travel occurs on roads that are closed to vehicles and that kind of traffic pattern.

There are portions of these properties that are located in the 100-year flood plain and also wetland areas. These areas are required to remain as natural and open space areas, meaning that they can't be developed. There are significant wetland areas in the woods that are located to the east of State Route 1; they have been delineated on the plan. No improvement, permanent or temporary can happen in the wetland areas. There are also requirements for setbacks from the wetland areas when it comes to any permanent structures that might be planned. With this project there is significant woodland areas on the property and this plan serves to document the baseline of what that woodland area is. Specifically, to meet their tree planting requirements, any project area that's going to involve permanent structures or buildings would then be subject to the tree planting requirement that the Code entails of one tree per 3,000 SF of area. Specifically related to camping areas, there are requirements for buffering from residential areas in the format of evergreen trees. There are several areas along what is Lots 1, 3 and 12 that back up to residential areas. Lots 1 and 3 back up to some of the residences that are in the northern reaches of the Towne Pointe neighborhood on Bacon Avenue.

The other two waiver requests that the applicant is seeking tonight are related to the opaque barrier. An opaque barrier is required when a non-residential use is adjacent to a residential use. It has two components: a fence component and a landscape component. The applicant is seeking relief from the fence component citing that there are a number of existing fences that already exist but they may not be opaque and in order to fully establish a fence component, it would involve clearing of trees. They are hoping that existing conditions and satisfy that requirement. The second request is for the landscape component. In this case, the applicant is seeking for the Commission to recognize that existing woodland areas or existing wood lines in these areas adjacent to residential can suffice for that screening requirement.

The DAC Report goes on to give some general plan corrections that would need to be made as well as Staff recommendations on each of the waiver requests. Staff is supporting all of the waiver requests. In particular, for the elimination of sidewalks, they are recommending approval noting that because this is a special event type activity there is extensive transportation related planning for each event that would deal with the pedestrian movement and the safety thereof. They also support a reduction in the bicycle parking requirement finding that the applicant's proposal for a temporary bicycle parking based on the regulations for the event would satisfy that parking requirement. Staff is also recommending approval of the elimination of the opaque barrier for the fence component noting that clearing of woodland areas and/or intrusion into wetland areas is best left as is and not subject to installing a fence just to meet the intent of the Code. Also, they are supporting the landscape component to recognize the existing woodlands that would already be on the site. There may be areas that they still need to do some planting but for the most part there are existing trees that could satisfy that component. The DAC Report does include the comments from the other regulatory agencies. The Departments of Public Works notes that if they intend to seek water and sewer services to these areas

there is a number of other reviews and plan items that would need to be addressed in order to supply water or sewer services to these areas on a permanent basis. The Fire Marshal's Office has provided comments and is very involved in the pre-event planning process and has a list of specific requirements in how they have been addressing emergency response for the event area in general and some of the series of improvement agreements that they have come to with the event activity managers to date. They also have comments from the DelDOT noting that this goes through a special event planning process with their agency. The Kent Conservation District notes that if they move into ground disturbance of a certain level then there is a need for sediment and stormwater management planning. The MPO also provided some comments noting some particular concerns about access for handicapped people coming to the event as well as dealing with bicycle parking options for visitors.

Tonight the Commission is looking at a Site Development Master Plan; it's an overall concept. If there are questions on a particular area they can move to focus on that. This would grant approval to the overall concept as a plan for the parking and event area on these site locations. The Commission does need to address the four waivers that have been requested which are the reduction in bicycle parking, the elimination of sidewalks, the elimination of the fence component of the opaque barrier and to accept the landscaping alternative for the opaque barrier.

Mr. Moore stated that he is representing both Dover International Speedway and Red Frog who is the event operator on Dover Downs. What you are seeing in the plans that they have compiled is basically the 2017 plan for the temporary event. What they have shown the Commission is the location of all of the various temporary facilities. What they are trying to do is seek the ability to turn some of these temporary facilities into permanent facilities. For this year, they don't believe that they are going to be changing anything; they are going to be using tents and so on. He's not coming here tonight saying that they are ready to build a specific structure or a specific component of the event. He can tell them that one of the things that has been talked about is a permanent structure for the Dogfish Head Brewery area. That is one of the things that they have spoken to Staff about. That may be something in the future that they submit. There is also discussion about possibly making some of these restrooms and/or shower facilities permanent. Now these things come in with trucks and they are temporary facilities to serve the few days. For this year, they don't plan to build those types of structures. They want to go through another year before they decide what permanent structures they build. The only structure that they are aware of is that there may be some structure to hold some of the equipment in front of the actual event areas where the performers are. These would be things that would hold computer equipment and other equipment so that it would be stationery which is better than a temporary thing that might move.

What is being displayed is the 2017 event layout. The whole purpose of the Master Plan is to allow Red Frog to come in and convert any one of these temporary structures in the future to a permanent facility. Basically, it's going to be in the same configuration that they have submitted tonight because they have run this event for multiple years and it has tended to be the same thing over and over. It's a very unique submission. He is not sure that he has ever done one like this but it seems appropriate if they plan to change over any of their tents to a permanent building because it's better for the festival and better for the operation then they would be pursuing Administrative Site Plans to do that. They would then be addressing codes like fire lanes and sprinklers and all of the other codes for permanent structures. Now when these tents come in, they are erected and then taken down.

For the parking waiver as it relates to bicycle parking, Red Frog does not allow bicycles into the

festival area. Once you get to the festival gates you have to walk. That's a safety issue for the biking and the walkers with that many people is a safety concern. They have not prohibited biking from the various camping areas but they are considering doing that. They haven't prohibited it because there are not that many people that are actually staying on the site that are using bikes. Bikes are being used by people in the community who don't stay overnight who attend the event and perhaps bring their bikes to avoid traffic and are not staying in a camping area. They believe that it's perfectly appropriate for there to be bike facilities for those people to come in and have a location. What Red Frog is proposing is to put around 40-50 temporary bike racks at the southwest entrance to the facility so that the community would have a place to put their bikes. The bike racks would be removed once the event was over. Secondly is the sidewalks. What happens for this festival is that DelDOT actually controls pedestrian and the closures of roadways for safety? These closures of roadways then direct pedestrian into the roadways to get them across Route 1 and to get them up and down to this event area. DelDOT typically is asking for sidewalks along the roads but they don't want them in this case because of the closure of the roads and trying to keep the pedestrians in the center of the roads for safety. He thinks that's a very important factor to consider when we talk about the sidewalks because a five-foot sidewalk on the side of the road isn't even close to the ability to handle the volumes of people who are walking up and down the streets. They think it is actually a little bit counterproductive and they don't think DelDOT wants them to do that. They want the containment into the street. Each year there are meetings with DelDOT and the City to coordinate how the transportation is going to happen; both vehicular and pedestrian and this is all part of that plan. The last waiver is the buffering. They agree to put up opaque barriers where there are actually houses and they need the separation. There are a few of those areas that they don't want waivers from; they will put the barriers up and landscaping. There are many more areas where there are forested areas that they don't think it's appropriate to do anything. He knows that back by Lot 10 and over by Towne Point there is a big forested area that doesn't make sense to put a fence up to a forested area for a temporary event so that's why they are asking for a waiver. There are other sections where they want to do landscaping to create a separation. The one thing that Red Frog has committed to is that they will be using temporary fencing. If they use landscaping, they will put temporary fencing up so that there is some containment. There has been some concern in the past where there wasn't temporary fencing and people got further away from the camping areas. They are now coming in with temporary chain link fencing to keep all of the people in their camping areas so that they don't move out to neighborhoods or residential areas.

Mr. Tolbert questioned if some of the area involved was in Kent County's jurisdiction? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that it is all Dover. The yellow area on the display is what is being considered tonight. All of those areas are now part of the City of Dover. The Speedway does own several other parcels along Persimmon Tree Lane that are not within the corporate limits of the City. They are shown in some of the information drawings in the plan set but it's not subject to this review tonight.

Mr. Moore stated that the whole festival area is in Dover limits.

Mr. Holt questioned if they are going to be able to eliminate some of the mud problem? Responding to Mr. Holt, Mr. Moore stated yes and no. The beauty and what Red Frog likes about this event is that it's very natural. There is protection of the wetlands and trees. It's keeping that separation and that natural area is the ambiance of what they want and what they believe draws both kids and adults there. It's just so unique and different. They are fully supportive of not clearing any trees and they are

supportive of the protection of the wetlands. They are fully supportive of trying to keep that more natural approach; and the more that they pave, the more that they create roads and the more that they make it a hardscape area they more that they take away what they were going for. That's what made this festival so unique and different. It's kind of a balance. He will tell the Commission that's why they are not going to be building all of the permanent buildings this year. They want to know that when they build something that it makes sense to them from a budget standpoint and it doesn't break down the naturalness of what made this event so great for people to come from all over.

Mr. Holt stated that he was kind of hoping that they would bring in gravel or sand or something like that to try to eliminate the mud. Responding to Mr. Holt, Mr. Moore stated that they have done that in certain areas as the event goes. Of course every event is different because sometimes it rains a lot and other times it just rains and then goes away. He thinks that they are prepared to be doing that as the event happens and as they can predict the weather.

Dr. Jones questioned if this was a contractual period between Red Frog and Speedway? If it is, if Red Frog is no longer in the picture does anything change? Responding to Dr. Jones, Mr. Moore stated that there is a 20-year contract between Dover International Speedway, who is the land owner and Red Frog who is the operator. He is actually here tonight being paid for by Red Frog because the actual construction of permanent facilities will be constructed by Red Frog but on Dover International Speedway's property. If Red Frog is not there, those facilities would be reverting back to Dover International Speedway's ownership.

Dr. Jones stated that in Mr. Moore's presentation he made reference to the permanent structures that might go on some of the parcels. That's not what the Commission is responding to tonight because that's going to be administrative. Responding to Dr. Jones, Mrs. Townshend stated that's correct but an approval of what they are presenting tonight would allow administrative approvals of those. Absent this, we would not be able to administratively approve those things.

Mr. Moore stated that's why they have included the entire area and shown the entirety of both camping and the event itself. One other comment that was in the DAC Report was consolidating these properties. Their response would be that they will consolidate properties when necessary because if you don't consolidate properties and you build a structure on top of a property line then you have a problem. They don't believe that they are going to do that so as a result of that they don't want to consolidate properties; they want to leave them the same. If they do go to build a structure somewhere that's in conflict with a property line, they will consolidate as needed. They just want to do that as it's necessary not in total.

Mr. Tolbert questioned if any structures that would be built would be owned by Red Frog? Responding to Mr. Tolbert, Mr. Moore stated that they would be constructed and paid for by Red Frog but they would be on Dover International Speedway's land so it goes back to that contract. If that 20-year contract is up and Red Frog is no longer the provider, they would be owned by Dover International Speedway. Honestly, he doesn't know if that means that Red Frog could actually take them and remove them. To date there have been a couple of things that have been built last year. They built a warehouse on lands in Kent County. He and Mrs. Townshend coordinated that with Kent County as this thing was coming in. That warehouse was simply to store event materials so that it could be inside. They also built what they called a treehouse which is a venue where people can sit for specialty sitting area and it was more of a deck than it was a structure. There has been talk of perhaps

building some permanents to the actual event areas where people perform. Any of these things could come back to be a permanent structure when Red Frog say they are ready to build one or two permanent events that way they don't have to bring this material in from Chicago and San Francisco. The platform where these performers would be could actually then be permanent.

Mr. Tolbert stated that Red Frog only comes here once a year. Do they anticipate coming more than once a year? Responding to Mr. Tolbert, Mr. Moore stated that he does not know. He can say that they were excited to bring the Big Barrel Festival which did not do well. He personally hopes that they would bring that or another event back but there has not been discussion for a second event but there is a 20-year life to their agreement. Over that period of time as the market changes as the music genre changes, there may be different types of music that they bring but at this point there is no new event for this year. It is simply the Firefly event that has been announced and there is no secondary event or date.

Mr. Tolbert questioned if other even operators would be allowed to use that property? Responding to Mr. Tolbert, Mr. Moore stated that the only other event operators that we know of now would be NASCAR and there is really no use for what was built for Red Frog. He would imagine that it would be a negotiation between Dover International Speedway and Red Frog. He would say no, there wouldn't be use of these things for other purposes.

Mr. Tolbert stated that he was asking that because we are talking about building structures at some time in the future. Responding to Mr. Tolbert, Mr. Moore stated that he mentioned the one facility that would be built that's like a structure and that would be replacing the tent that was the Dogfish Head tent. The plan that he saw and that has been shared with Mrs. Townshend that they chose not to go ahead with was simply a roof structure that was all open to the outside with poles to allow people to come in. It's just like a tent but it looked better. It was big. It actually had some architectural flavor to it and it allowed permanent protection of the ground. Whereas the tent comes in and it moves a little bit when the wind blows it. It wasn't a building but it was something like a tent that was a little more substantial. As it turns out, it required sprinklers and some other things that were Code and it didn't fit into this year's budget because they didn't prepare for that and perhaps they will do it next year. That's the type of flexibility that they are looking for.

Mr. Holt questioned if the Punkin Chunkin was no longer in the picture? Responding to Mr. Holt, Mr. Moore stated not at Dover Downs. There's no discussion for that to be here and he hasn't heard anything about that. That event has nothing to do with Red Frog. This is a specific Red Frog application here today. One of the reasons that he is not here with Dover Downs is because Mr. Jerry Dunning who had been with Dover Downs for 45 years, retired last year. He chatted with Mr. Dunning and asked him to come tonight but he was vacation. There is another gentleman from Dover International Speedway that he has had Staff meet, Mr. Terry Harmason who is actually at the race in Florida and didn't get back in time for tonight's meeting.

Ms. Maucher stated that under the Fire Marshal's Report it mentions plans to bring some roads into compliance. Responding to Ms. Maucher, Mr. Moore stated that what that means is that they are always tweaking our safety to the actual camping area roads and there's a few of these locations where they are going to in addition to the stone road that is the main road, there is going to be a little stone alley that gives extra emergency access. That's something that they have been working with the City Fire Marshal on since the last event. Those are in this plan, meaning that they have actually

depicted where those things are and those are for emergencies, safety and access.

Mr. Tolbert opened a public hearing.

Mr. Lee Moran – Persimmon Tree Lane Dover DE 19901

Mr. Moran stated that he is here tonight representing Persimmon Tree properties and himself. For a little background, if you notice on the maps there is an area in white in front of the camping area and to the side of the camping area. There's ninety (90) acres that Persimmon Tree Properties owns. For the last several years with Firefly they have had a lot of problems with people going through the crops because there are no barriers to stop them. They have talked to security several times, he has had to pull out a car from the corn field, he has had to try to get security there, he has been threatened by people trespassing on the property, he has had people sneaking through the woods and they seem to have this problem each year. He has tried to work with Dover Downs. They are very friendly and they have an agreement that they are using some of the woodland because they had to go around some wetlands and they needed a road. He has a short agreement with Dover Downs for a few years to allow them to use some of his land. But they have been unable to stop people from going through the fields. He has caught people going to the bathroom. His nephew was going along the wood line and found some naked people on their property. They would like this stopped and he thinks the only way is to put a barrier around the farm. They have notified security and he is not interested in having security from Dover Downs patrolling his farm. The people are not just cutting down Moores Lane and across; there is a thin tree barrier between the farm and that back camping area that they are coming through.

Mrs. Townshend stated that just for clarity, his property is the property adjacent to Lot 18.

Mr. Moran stated that was correct. It is ninety (90) acres of land that they want to keep people out of. They have tried to work with Dover Downs but each year they have the same problem. He has told people that they are on private property and they have told him where to go and kept walking. At this point, it's nice to talk about the barriers in the woodlands but he is tired of the people coming through and some of them are inebriated.

Mrs. Townshend questioned if this was an area where they don't put up temporary fencing? Responding to Mrs. Townshend, Mr. Moran stated that was correct.

Mr. Tolbert stated that there are police in the area. Do they not address the problem? Responding to Mr. Tolbert, Mr. Moran stated that it's not in the City of Dover, it's in Kent County. He has notified the State but they are manning the check point and a lot of people are coming through. They are not going to chase the people through the soy beans. This year they are going to plant corn in the field because they just don't want the people trampling the field. When he had to pull the car out one year, the driver had gone through part of the corn field.

Mr. Tolbert questioned how many homes were in that area? Responding to Mr. Tolbert, Mr. Moran stated that along the front, he has a rental home and his sister in law lives next to that home, his sister lives in the farm in the middle of the field and then there is the farm house that they rent out.

Mr. Tolbert questioned if it was all family in that area? Responding to Mr. Tolbert, Mr. Moran stated no, two of the properties are rentals but they are family owned.

Ms. Deborah Handel – 1160 Persimmon Tree Lane Dover, DE 19901

Ms. Handel stated that her property is almost diagonally across from the entrance. It used to be Moore's Farm Lane but now it has a street number. They have made the road part of the City of Dover. She was really surprised to hear about the sidewalks. She didn't know that the City of Dover required sidewalks for things. One of the biggest concerns for them in addition to what Mr. Moran was saying about his crops is the number of people that use Persimmon Tree Lane as their sidewalk. They have asked for years for the Speedway or Red Frog or somebody to figure out some sort of access to get the people from that eastern campground over towards the Monster area without walking on Persimmon Tree Lane. They have asked them to access roads behind the stages. If they can move their equipment and supplies on these access roads, why can't they move their people onto these access roads and then no one would have to use Persimmon Tree Lane. No one would have to be in her front yard doing what Mr. Moran said where you try calling the cops and there are cops literally right there who don't really care because they are only doing traffic. The only time that she has been able to get a State Trooper out to her house is when she threatened the dispatcher with her badge number that she was going to file a complaint. That's a County issue and she knows that we are not discussing that. If they can put some sort of transportation access road or sidewalk on the City of Dover property and keep the City of Dover residents in the campers off of their County road, then why would you waive that requirement? Why would you put the burden on the County and on the residents on that street when you can contain these people on your property?

Mr. Tolbert questioned if she had talked to Kent County at all about her concerns? Responding to Mr. Tolbert, Ms. Handel stated that she was actually here last year when the property was being annexed and rezoned and she has expressed these concerns every year. She has talked to the Speedway about it and she has talked to Mr. Jim Hosfelt who is in charge of security. A couple of years ago he actually parked his truck at the end of her driveway and watched the people walking around and using her driveway for a turnaround or drop-off point. She actually asked people to not use their driveway because they had to go to work and they flicked us off and told us where to stick it. They told the people that this was private property and they were told to chill and calm down. It didn't matter that they had to go to work and had their own bills to pay. They weren't supposed to inconvenience these people by having them not use their driveway. She has pictures of people sleeping in her trees, doing whatever in her trees and relieving themselves in her trees. She had two girls who just sat that the end of her driveway and took selfies of each other. It's all of the pedestrian traffic. She saw a lady in a pickup truck that must have made $3,000 one day just charging kids so much per head to give them a ride in the back of her truck. She would pick up in front of the Monster and dropping them off either at her road or at the entrance of 1299 and picking up another load of kids there and taking the kids back to the Monster. There is no way for them to get through the festival grounds. You can't go into the concert, walk past all of the concerts and then get out. They don't want to do that they just want to walk around. All of that pedestrian traffic is on our road and if there is a sidewalk requirement for City of Dover properties then why can't you put some sort of access road on that property? Like she said, there is an access road that goes behind the stages; it's on those maps. It's already there and they use it for emergency equipment, the supplies and to get the artists around the venue. Why can't they use that road, widen it and somehow designate that to get these campers from that one lot back to the Monster?

Mr. Tolbert questioned if she has had a conversation with the Mr. Dunning from the Speedway?

Responding to Mr. Tolbert, Ms. Handel stated yes but Mr. Dunning is not there anymore. All he did was fenced in the lot next to her which worked out very well. She even told Ms. Lauren King from Red Frog that that part worked out very well but it still does relieve all of the pedestrians that chose not to use the transportation that was provided. Some of that is because the transportation takes so long to come. The year before, there were people who signed up to park off of Lewis Drive. You were supposed to get a free drink and something else and ride for signing up and they decided not to use those buses so all those people were out walking on the County road.

Mr. Tolbert questioned if she what she is saying is that she wants more crowd control? Responding to Mr. Tolbert, Ms. Handel stated yes, but she has always said now that it's City of Dover property why can't you have them travel that property without going through Mr. Moran's fields? She has watched people go through his fields. Her neighbor has seen girls relieving themselves. They have seen the people who cut right across to get from Point A to Point B. Why should they walk out Moores Lane and come across Persimmon Tree Lane when they can just walk through the field? Somehow you have to stop those pedestrians from getting out on Moores Lane onto Persimmon Tree Lane. Once they get into the campground then take City of Dover property and get back to the other side. They need to stay on their own property. She was really surprised to hear that the sidewalks are a requirement and that the Commission is waiving sidewalks.

Mr. Lee Moran – Persimmon Tree Lane Dover DE 19901

Mr. Moran questioned if the City of Dover can put sidewalks on property that does not belong in the City of Dover? Responding to Mr. Moran, Mrs. Townshend stated that the frontage sidewalk that the Code would require would be along the frontage of property owned by the applicant. So even if the sidewalk were required, much of the property in that area is not owned by the Speedway so there would be gaps in whatever sidewalk was constructed.

Mr. Moran stated that's why he asked because he owns most of that frontage. Responding to Mr. Moran, Mrs. Townshend stated that the sidewalk would not be required along his frontage.

Mr. Moran stated that actually he can answer part of Ms. Handel's question. One of the problems that Dover Downs had going through the back part instead of down Persimmon Tree Lane is that it's a lot of wetlands back there. That's why Dover Downs had to come to him. That access road going between the woods only has 2 more years lease and then it's out.

Mr. Tolbert closed the public hearing.

Mr. Holt stated that they have a real problem with the crowd control during this thing. He doesn't know if there is anything that they can do about except maybe require some large fences. Responding to Mr. Holt, Mr. Moore stated that what he can do is facilitate a meeting with each of the neighbors with both Red Frog and Dover International Speedway. Temporary fencing is something that is an easy solution to some of these issues and they are using more of it as the event has progressed. Mrs. Townshend had identified an area over by Towne Point; that's an area that they have targeted. He would recommend that they be allowed to have meetings with the property owners to talk about temporary fencing and other crowd control issues with both Red Frog and Dover International Speedway. The Red Frog representative now Mr. Brian Seacrest. He is aware that I'm here tonight and he is a different person but Mr. Seacrest is the designee for this project and he would be willing to get the neighbors and him together to work on temporary fencing to keep the crowds down.

Mrs. Townshend stated that just for clarification, when you see the 8-foot tall chain link fence that is up around the festival area, that's what they are using for temporary fencing. We are not talking about snow fencing or something that's going to collapse easily. They are using real fence materials it just comes down after the festival.

Mr. Moore stated that the fencing is real chain link. He is not going to say that you can't get through it because kids get through a lot of things. It's not like a plastic fence where you can just push it over and go through it. His offer is to meet with the two neighbors and talk about where they can actually do that and try to solve the issues.

Mr. Tolbert stated that it sounds like it would be a big help to diminish the problem if not solving it altogether. Responding to Mr. Tolbert, Mr. Moore stated that the issue of the sidewalk is a different issue. It's a containment issue and yes it would be great if they could run this event and not get on any of the State roads but the event could not be run without using these State roads to get these people back and forth. Certainly, they can add some internal roads to help but these roads are necessary to accommodate this many people from these two directions. The problem with the sidewalk is that some of this area is in the County and some of this property they don't own. They don't want a situation where they have sidewalk, it stops and then people go into private property and then we have more of these people coming in saying that they are directing people onto their property because your sidewalk stops. They are unable and DelDOT doesn't want them to be creating that problem to make problems worse.

Mrs. Townshend stated that she wants to add just a little bit of context in terms of the planning that goes into this event on the part of the transportation and emergency services. She believes that the Speedway has monthly meetings throughout the year where the law enforcement agencies and emergency services are a part of that. In addition, DelDOT has monthly meetings with the Speedway, emergency services and the traffic management and DelDOT safety staff, and work on these issues throughout the year. Her concern would be doing something that's inconsistent with what the experts have laid out. She would want to see if there is an inclination to say no waiver for the sidewalk, she would want to defer that decision to next month so that they can get more informed feedback because again the DelDOT personnel that are involved in that people movement aspect of it are certainly the experts. She does not claim to have the expertise that they have on that matter. At this point she believes that DelDOT is aware that they are requesting no sidewalks and DelDOT has not said that's a problem. She thinks that if there is an inclination to say no to the waiver request, she would prefer that it be deferred so that we can get input from DelDOT. Again, what she wouldn't want it to end up thinking that we are solving a problem and creating something because we don't have the depth of expertise that the transportation people have.

Dr. Jones stated that in light of what Mrs. Townshend just indicated and in light of the offer that Mr. Moore just made about meeting with the residents, it would seem to her that she would be comfortable deferring action on the entire application until next month. She doesn't see any problems but we defer one thing and then there are other issues that need to come back to the Commission. Mr. Moran and Ms. Handel have some issues and maybe some others. So rather than piecemeal, maybe they can just get a plan and move forward. Responding to Dr. Jones, Mr. Moore stated that the problem with that is that there's other emergency access roads internal that are part of the plan that they need to be working on to get for the event. His request would be to approve the plan as

presented, let them have an opportunity to meet with the residents in terms of crowd control and temporary fencing and if the sidewalk is the issue, separate that piece from it. He hates to ask that but if they don't do that then they are not going to be able to do the other safety improvements that the Fire Marshal has asked for inside the event.

Ms. Maucher questioned if the Fire Marshal improvements would help internal movements of pedestrians? Responding to Ms. Maucher, Mr. Moore stated that whenever they do access ways it will help. Will it solve all of the issues that were brought up by the two neighbors, probably not.

Mrs. Townshend stated that it's not going to keep people from walking on Persimmon Tree Lane.

Mr. Moore stated that it won't keep people from doing things that they shouldn't be doing. Some of that crowd control issue is a separate issue that needs to be dealt with by the Staff that are part of both Dover International Speedway and Red Frog. Fencing will certainly help them be able to do that.

Dr. Jones stated that one of the waivers requested is the elimination of the opaque barrier fence component. Is this addressing Mr. Moran's concern? Responding to Dr. Jones, Mrs. Melson-Williams stated that the opaque barrier fence would be in any situation where the parcel is adjacent to residential uses. It's our standard for when commercial backs up to residential and it has two components; the fence which is a solid element and the Planning Commission can waive in its entirety and then the landscape component. In this area where Mr. Moran is referring to its wooded so in order to build the fence on their property it would mean clearing of woodland.

Mrs. Townshend stated that the other thing is that the area that it backs up to on Mr. Moran's property is the agricultural portion; the residential portion fronts the road. She thinks that the waiver doesn't come into play but she thinks that it's reasonable to request that the applicant work with the neighbors on appropriate fencing.

Dr. Jones stated that the Commission could approve that and the other issue is being addressed. Responding to Dr. Jones, Mr. Moore stated that they are going to increase the temporary fencing this year from last year which was increased from the year before. As they know of issues like this so that they get better crowd control and containment. That is separate from the opaque barrier. He doesn't believe that it conflicts with helping these neighbors with temporary fencing. Most of the residential areas require a separate fence like that would be from that neighborhood which is Persimmon Park Place and Towne Point. There's some areas in Towne Point that need the separate fence because they are residential uses.

Mrs. Townshend stated that there are other places where the property is adjacent to residential areas on the other side but there's such dense wetlands separating them that it doesn't provide a practical benefit.

Mr. Roach questioned if there were any incentive based things that go along with the people who are on these properties that are inconvenienced for these four days? He goes to Firefly every year and he thinks it's a great event. They bring so much revenue to our city. He would hate for at any point in time to see it go but he can definitely understand because he is one of the people that rides by and thinks "Wow, they are really using the bathroom is someone's yard." He definitely sees both sides of the issue. Responding to Mr. Roach, Mr. Moore stated that he doesn't know the answer to that.

Ms. Maucher questioned if they meet with residents in the area every year before or after the event? Responding to Ms. Maucher, Mr. Moore stated that Dover International Speedway has done that in the past and that's what he is facilitating for the neighbors here tonight for both Red Frog and Dover International Speedway because it will be Red Frog's responsibility to put up the temporary fencing. He is going to go back to their representative and let him know that they need to get together with Mr. Moran and Ms. Handel and talk about temporary fencing to put a plan in place to help address the issue.

Dr. Jones moved to approve S-17-03 Dover International Speedway Parking & Event Area Master Plan to include the waivers for reduction of the bicycle parking requirement, elimination of the opaque barrier fence component and the alternative for the opaque barrier landscape component and inclusive of DAC comments.

Mr. Holt questioned if the sidewalk waiver needs to be included in the motion? Responding to Mr. Holt, Mrs. Townshend stated that Dr. Jones did not add it into the motion so there can be a separate motion to defer that after the Commission acts on this motion.

The motion was seconded by Mr. Holt and the motion was carried 6-0 by roll call vote. Mr. Roach voting yes; he thinks that it's a great event that he goes to every year to support his city. As long as Mr. Moore actually has communication with the residents in that area and they actually get the temporary barriers. Mr. Holt voting yes; he feels like it's a much need thing and this master plan will be a big improvement for the Firefly Festival and other festivals that come after it. Mr. Baldwin voting yes; he agrees with everything that has been said except he wants to make sure that the temporary fencing is included as part of this motion. Dr. Jones voting yes; she thinks that it looks like a good plan based upon her assessment of the situation and the discussion. She is especially pleased that there is such willingness to work with the residents. We don't always see it come together so quickly. Ms. Maucher voting yes; Red Frog has communicated their willingness to invest in the property and to address the resident's concerns. Mr. Tolbert voting yes; for the reasons previously stated. He recognizes what the Firefly people are doing is something that needs to be done in that area and it is being done. It's going to make it a more reasonable and decent event and not so problematical while it still produces income for the City of Dover.

Dr. Jones moved to table action on S-17-03 Dover International Speedway Parking & Event Area Master Plan for the waiver for the elimination of the sidewalk requirement for further information until next month's meeting, seconded by Mr. Holt and the motion was carried 4-2 by voice vote.

NEW BUSINESS

Meeting adjourned at 8:18 PM.

Sincerely,

Kristen Mullaney
Secretary