CITY OF DOVER PLANNING COMMISSION
AUGUST 21, 2017

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 21, 2017 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Ms. Edwards was absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mr. Eddie Diaz, Mr. Julian Swierczek and Mrs. Kristen Mullaney. Also present were Mr. Bill McPoyle, Ms. Jocelyn Jones, Mr. Chuck Speigleman, Mr. Nicholas Patel, Mr. Marion Lott, Mrs. Mary-Beth Johnson, Mr. Gregory Fusco and Mr. James Medved. Speaking from the public were Ms. Amelia Howard and Mr. Victor Giangrant.

APPROVAL OF AGENDA

Mr. Holt moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 8-0 with Ms. Edwards absent.

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

Mr. Baldwin moved to approve the Planning Commission Meeting minutes of July 17, 2017, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Ms. Edwards absent.

COMMUNICATIONS & REPORTS

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on July 24 & 25, 2017 and August 7 & 8, 2017.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS regarding Applications

1) S-17-22 McPoyle Site at 575 North DuPont Highway: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing associated with the Administrative Site Plan for the McPoyle Site at 575 North DuPont Highway. The project is located on the east side of North DuPont Highway south of Jefferic Boulevard and is zoned C-4 (Highway Commercial Zone). The owner of record is William McPoyle. Tax Parcel: ED-05-068.09-01-23.00-000. Council District 3.

Representatives: Mr. Bill McPoyle, owner

Mr. Diaz stated that this project is to construct a new 3,300 SF parking lot. The site is on the east side of North DuPont Highway, south of Jefferic Boulevard and is addressed as 575 North DuPont Highway. The site is zoned C-4 (Highway Commercial Zone). The property is the site of a State Farm Insurance Office and is to remain the principal use of the property. The proposed parking lot is intended for use by the employees only. This project is going through Administrative Site Plan review due to the small size of the impervious surface being added. The only item the Planning Commission needs to act on is the applicant's waiver request. The applicant is asking to waive the requirement for curbing around the parking lot in order to avoid changing the stormwater drainage patterns on the site. Based on the practice of granting waivers for curbing for stormwater management purposes, Staff is recommending approval of the waiver request. As a standard practice for this kind of waiver, Staff is recommending that parking bumpers be provided instead of curbing at the heads of the parking spaces.

Mr. McPoyle stated that he is very much in agreement with what was just heard.

Mr. Holt questioned if the parking bumpers in lieu (of curbing) for the stormwater would be okay with the applicant? Responding to Mr. Holt, Mr. McPoyle stated that he is not an architect. He is here to stand in for him. He thinks that the bumpers are perfect. He doesn't mind at all putting them at the head of each parking space.

Mr. McPoyle stated that at one of his sites, he has pretty cool parking bumpers that are not concrete. They are made out of a heavy plastic with spikes in them and just go right into the ground. Would that suffice or do they need to make concrete bumpers? Responding to Mr. McPoyle, Mr. Diaz stated that they do not have any restrictions on the material.

Mr. Holden moved to approve S-17-22 McPoyle Site at 575 North DuPont Highway: Waiver Request to remove the requirement for upright curbing and in lieu of require parking bumpers, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Ms. Edwards absent. Mr. Holden voting yes; as it is a common-sense approach to address the site constraints. Mr. Roach voting yes. Mr. Holt voting yes; he thinks everything looks good and the owner has agreed with the parking bumpers. Mr. Baldwin voting yes; for the reasons previously stated. Dr. Jones voting yes; based upon the previous comments and the applicant is in concert with the recommendation. Mrs. Welsh voting yes; the request is in compliance with previous curbing eliminations. Ms. Maucher voting yes; for the proper handling of stormwater runoff. Mr. Tolbert voting yes; the applicant has represented himself in a favorable way and he is willing to cooperative with Staff with any questions, concerns or requests that they may make.

NEW DEVELOPMENT APPLICATIONS

1) Z-17-04 Lands of Sarah Jones at 826/828 Forest Street – Public Hearing and Review for Recommendation to City Council on the rezoning of one parcel of land totaling 0.5 acres+/- located on the south side of Forest Street between Gibbs Drive and Lincoln Street. The property is zoned RG-1 (General Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Sarah E. Jones. Property Address: 826/828 Forest Street. Tax Parcel: ED-05-076.12-01-16.00-000.

Council District 4. Ordinance #2017-10. *For this zoning map amendment, the First Reading was completed on July 24, 2017. Public Hearing before the Planning Commission is scheduled for August 21, 2017, and Final Reading/Public Hearing is scheduled before City Council for September 11, 2017. This application is associated with item MI-16-13: Nonconforming Uses in Residential District. The Rezoning is proposed in order to comply with City Council action requiring the sunsetting of nonconforming uses in residential zones.*

Representatives: Ms. Jocelyn Jones, E&J West Dover Liquors

Mrs. Melson-Williams stated that this application is a rezoning application. It is in regards to the property located at 826 Forest Street. The store on the property is also addressed as 828 Forest Street. The property is on the south side of Forest Street between Gibbs Drive and Lincoln Street. Currently, the present zoning of the property is RG-1 (General Residence Zone) and it is subject to the COZ-1 (Corridor Overlay Zone). The application before us this evening seeks a zoning classification of C-1A (Limited Commercial Zone) with the property remaining subject to the COZ-1 (Corridor Overlay Zone). The reason for the request is to allow the existing use which is a retail establishment of a liquor store to remain on the site instead of sunsetting due to its nonconforming use status in the residential zone. As mentioned, the property is currently zoned RG-1 (General Residence Zone) and the Planning staff has been working through a project City wide to identify non-residential uses that are non-conforming that happen to be located on properties that are zoned residentially. It is the location of a retail store; specifically the E&J West Dover Liquors which has been that for a number of years at the existing building on the site. This application does not involve any construction or redevelopment of the property. It is strictly about the zoning classification of the property. Surrounding the site is really a mix of residential zoning classifications as well as some nearby commercial zones including C-1 (Neighborhood Commercial Zone), C-1A (Limited Commercial Zone) and also C-3 (Service Commercial Zone). Most of the commercial zones are specifically across the street from this property. With all rezonings, we have to look at the *Comprehensive Plan* and the *Comprehensive Plan* for this area identifies the appropriate land use classification as Mixed Use. When they refer to the land-use and zoning matrix, the classification of C-1A (Limited Commercial Zone) is in compliance with the *Comprehensive Plan.* Specifically, the types of uses that are allowed in the C-1A (Limited Commercial Zone) include retail stores, personal service establishments, restaurants, and a variety of types of offices. It does allow for one-family residences and apartments and multi-family dwellings as permitted uses. There are some conditional uses that are allowed through a specialized process and then several uses that are specifically prohibited which in this case would include a prohibition of fuel pumps and any kind of motor vehicle storage, sales or repairs in that C-1A (Limited Commercial Zone) classification. The property is also subject to the COZ-1 (Corridor Overlay Zone) and this is a zone that adds a series of architectural, parking and landscaping guidelines should re-development of the property be anticipated.

With this application, the Planning Staff is supporting the rezoning request from RG-1 (General Residence Zone) to C-1A (Limited Commercial Zone) noting that the C-1A (Limited Commercial Zone) is the lowest density zoning classification that would permit this type of retail

store within the zone. They also recommend that the property remain subject to the COZ (Corridor Overlay Zone). They have a number of advisory comments to the applicant including a notation that currently the property taxes are delinquent on this property. That is an item that must be taken care of before City Council can take final action on this specific property and its rezoning request. There are comments from the participating Development Advisory Committee agencies but most of those comments indicate no objection to the rezoning of the property. They just identify some advisory comments should re-development in the future be anticipated by the property owner. Tonight, the Planning Commission is making a recommendation in regards to the rezoning of the property. The Planning Commission's recommendation after the public hearing will be forwarded to City Council. City Council will conduct their own public hearing and take all of the items and information under consideration before they take final action on the rezoning.

Mr. Holt questioned if there have been any problems or difficulties with the liquor store in that neighborhood or from the neighbors? Responding to Mr. Holt, Mrs. Melson-Williams stated that Planning Staff did have several people that did come in to inquire about the application that was filed because they received notice but they did not seem to indicate any issues with the property itself. There is public here this evening that you may hear from. The types of code violations that the property has had over the years have been related to licensing requirements for being slightly late on their Business License for the year and things of that nature.

Mr. Tolbert stated that the review process cannot be completed as long as taxes are delinquent. Will any action that the Planning Commission takes be impacted by the outstanding taxes that are due? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that the indication from the Planning Staff is that they are continuing to move it through the process in hopes that the applicant will take care of that before they get to the final step in the process which is action by City Council. When this application initially started the review process, taxes were not yet due and they were due by July 31, 2017 which was mid-way through the process. The portion of the Ordinance that they are referring to is the Clean Hands Provisions of the *Dover Code of Ordinances* which require applications, permits, licenses and the like to be current with all obligations to the City and that would include paying taxes.

Ms. Jocelyn Jones stated that she was here on behalf of E&J West Dover Liquors and she is in agreement with the review that was just heard.

Mr. Tolbert opened a public hearing.

Ms. Amelia Howard – 814 Forest Street Dover DE 19904

Ms. Howard stated that she has no problem with them rezoning the liquor store which is 828 Forest Street but 826 Forest Street used to have a house there and is residential. Why can't that property remain residential and 828 Forest Street go to commercial? If they rezone it and the property is sold then you don't know what's going to be put there.

Responding to Ms. Howard, Mrs. Melson-Williams stated that the information that they have indicates that the property is one large property. It is not two separate lots meaning that the store on one lot and where the house was is on another lot. The City's records indicate that it is one large tract of land and they typically rezone the entire parcel. The C-1A (Limited Commercial Zone) that they are seeking does allow for a single-family residence or for an apartment or multi-family building as a use on the property. So that vacant area could still be used as residential under the proposed zoning if that is successful.

Ms. Howard stated that she doesn't have a problem with that being a residential area. She just doesn't want them to expand out with a bigger liquor store or something like that because they have a lot of traffic on that street. Most of the time she has to go east to a back street to go west from her house and so do her neighbors. If they put something bigger there it's going to be even more congested.

Responding to Ms. Howard, Mr. Tolbert stated that if they want to put something bigger there at some point, they are going to have to come before this Commission and everyone will have an opportunity to address that issue at that time.

Mr. Victor Giangrant – Westside Car Wash 805 Forest Street Dover DE 19904

Mr. Giangrant stated that he owns Westside Car Wash. They are adjacent to the liquor store. It is quite interesting working next to a liquor store. He picks up beer cans and whiskey glass every day. His customers get panhandled every day. There are people hanging out along side of the liquor store in a drunken stupor yelling and screaming obscenities. It's a tough place to do business when you have that type of environment so he is against it. Although he is pro-business, he doesn't think that a liquor store is the proper place in a residential area in his opinion.

Mr. Tolbert closed the public hearing.

Dr. Jones questioned if the applicant understands and accepts the concern about the taxes, that it will not go further in all probability? Responding to Dr. Jones, Ms. Jones stated yes.

Mr. Tolbert stated that he would like to hear the applicant's response to Mr. Giangrant's concerns. Responding to Mr. Tolbert, Mr. Jones stated that she has not had any complaints and there hasn't been any beer cans or bottles around the area of the liquor store. His employees drink there very much so the empty cans and bottles are on his side. She hasn't had anyone yelling in a stupor or drunk on the side of the store so she hasn't had any complaints. Also, this store has been here for over twenty years. Even before her family became the owners, the store was there for fifteen years prior. There were two owners before them.

Mr. Tolbert stated that the only reason that he brought it up was that he wanted her to be aware of a complaint that's being made. He also wants to state that if the complaint is valid then it should be brought to the attention of the police so that they can look into that matter. The Planning Commission can't come out and police that area so you have an obligation to bring it to

the attention of the police or also talk to the owner of the establishment to come to an agreement as to what is going to be done about it.

Dr. Jones moved to recommend approval to City Council for Z-17-04 - Lands of Sarah Jones 826-828 Forest St for the rezoning request from RG-1 (General Residence Zone) to C-1A (Limited Commercial Zone) and to retain the zoning of the COZ-1 (Corridor Overlay Zone), seconded by Ms. Maucher and the motion was carried 8-0 by roll call vote with Ms. Edwards absent. Mr. Holden voting yes, due to Staff comments and the long standing history of the property utilized as currently. Mr. Roach voting yes. Mr. Holt voting yes; due to the last standing history of the property and hopefully something can be worked out with the car wash next door to resolve the problem. Mr. Baldwin voting yes; it fits within the zoning of that area. Dr. Jones voting yes; for previous reasons stated. Mrs. Welsh voting yes; as the rezoning brings the property in compliance with City Council's request for sunsetting of non-conforming uses. Ms. Maucher voting yes; as it eliminates a non-conforming use property. Mr. Tolbert voting yes; the application brings the applicant into compliance with the City Code.

Mrs. Melson-Williams stated that this application will next be heard at the City Council meeting on September 11, 2017. It is also subject to public hearing at that meeting as well.

2) Z-17-05 Lands Bennie Smith Real Estate, LLC at 870-872 Forest Street – Public Hearing and Review for Recommendation to City Council on the rezoning of one parcel of land totaling of 0.7473 acres (32,552 S.F.) of area. The property is currently zoned C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning classification is IO (Institutional & Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property known as 870-872 Forrest Street is situated on the south side of Forest Street and east of Gibbs Drive. The owner of record is Bennie Smith Real Estate, LLC. The equitable owner is St. Nicholas Ukrainian Orthodox Mission. Tax Parcel: ED-05-076.12-01-08.00-000. Council District 4. Ordinance #2017-11. *For this zoning map amendment, the First Reading was completed on July 24, 2017. Public Hearing before the Planning Commission is scheduled for August 21, 2017, and Final Reading/Public Hearing is scheduled before City Council for September 11, 2017.*

Representatives: Mr. Chuck Speigleman, McGinnis Real Estate

Mr. Holt recused himself from this application. (As his wife is a member of the proposed church tenant.)

Mrs. Melson-Williams stated that this application is a rezoning that is located at 870-872 Forest Street. This location is on the south side of Forest Street closer to Gibbs Drive. The property has two existing buildings on it. Currently, the front building is utilized as an office building and the building at the rear is a day care center. The present zoning of the property is C-1A (Limited Commercial Zone) and it is subject to the COZ-1 (Corridor Overlay Zone). This proposal is a request to rezone to IO (Institutional and Office Zone) and remain subject to the COZ-1 (Corridor Overlay Zone). The reason for the request is to allow for the establishment of new uses in the building that is closest to Forest Street. The intended uses are a place of

assembly as a place of worship with associated school and business office functions for that facility. The property is just over 32,000 SF in size and extends to the south of Forest Street. This property has been through several rezoning and site development applications over the years. It was originally zoned RG-1 (General Residence Zone) and then in 2003 was rezoned to CPO (Commercial Professional Office Zone). After which time the day care center was developed through a Conditional Use process and then in 2012 the property was rezoned from CPO (Commercial Professional Office Zone) to C-1A (Limited Commercial Zone) with the intent to include some retail uses in that initial building. Today, the Commission is considering the request to IO (Institutional and Office Zone).

Like the previous property, this one is surrounded by a variety of residential uses and zoning classifications with some residential specifically to its south, west and east. The bulk of the commercial in the area is located across Forest Street. The *Comprehensive Plan* for this area shows the land-use classification as Mixed Use. The IO (Institutional and Office Zone) is an appropriate zoning classification for that land-use category. The types of uses that would be allowed in the IO (Institutional and Office Zone) include a variety of offices, banks and research and development laboratories. It also includes a variety of public and institutional uses which include things like schools and places of public assembly and also day care centers. There are some items that would be a Conditional Use application should they be pursued and there are some uses that are specifically prohibited in the IO (Institutional and Office Zone) and that would include landfills and dumps. The property is currently subject to the COZ-1 (Corridor Overlay Zone) and that would remain with the rezoning request. As noted, the COZ-1 (Corridor Overlay Zone) is more related to the redevelopment of a site because it focuses on architectural, parking, and landscaping guidelines for development activities.

With this application, the Planning Staff is recommending that the rezoning be granted from the C-1A (Limited Commercial Zone) to IO (Institutional and Office Zone) as it is consistent with the *Comprehensive Plan* as a fitting Mixed Use classification. They also recommend that it remain subject to the COZ-1 (Corridor Overlay Zone) for any future re-development. Planning Commissioners may note that this property also had a slight issue with its property taxes as of July but the property taxes have been paid for this specific property location. The DAC Report goes on to provide comments from the other participating agencies which have no objection to the rezoning; they just provide some guidance should re-development activities be anticipated at the site including new uses that may occupy the buildings on the site. The Planning Commission is making a recommendation to City Council on the applicant's request to seek the zoning classification of IO (Institutional and Office Zone) and remaining subject to the COZ-1 (Corridor Overlay Zone).

Dr. Jones recused herself from this application. While she is not on a regular payroll of the property owner but occasionally she is called (Bennie Smith Funeral Services).

Mr. Speigleman stated that he agrees with the statements made by Mrs. Melson-Williams. Their office represents Mr. Bennie Smith, the property owner as well as Saint Nichols Ukrainian Orthodox Mission, the applicant. The applicant is present here tonight and they are requesting the rezoning of the property from its current zoning with Staff recommendation to allow a place of worship and a business office in an existing building while at the same time maintaining the

existing day care facility located on the property.

Mr. Tolbert questioned if Mr. Speigleman agreed with Staff's comments and would work collaboratively with them? Responding to Mr. Tolbert, Mr. Speigleman stated yes.

Mr. Roach stated that he knows that the day care has been operating. Is the applicant planning on opening the place of worship in the front building and then closing the day care or will they be having that in conjunction with the place of worship or will it be a whole separate entity being run differently? Responding to Mr. Roach, Mr. Speigleman stated that currently the day care is going to remain a day care. The front building will be changed. There are no development plans at this time.

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

Ms. Maucher moved to recommend approval to City Council for Z-17-05 Lands of Bennie Smith Real Estate LLC 870-872 Forest Street for the change in zoning from C-1A (Limited Commercial Zone) to IO (Institutional and Office Zone) with the property remaining subject to the COZ-1 (Corridor Overlay Zone), seconded by Mrs. Welsh and the motion carried 6-0 with Mr. Holt and Dr. Jones recused and Ms. Edwards absent. Mr. Holden voting yes; due to Staff comments and the recommended rezoning is in compliance with the Comprehensive Plan and lack of public opposition. Mr. Roach voting yes. Mr. Baldwin voting yes; based on the previous statements. Mrs. Welsh voting yes; the rezoning brings the property into compliance with the City's Comprehensive Plan. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; the applicant is willing to work collaboratively with Staff and the application is in compliance with the Comprehensive Plan.

Mrs. Melson-Williams stated that this application will next be heard at the City Council meeting on September 11, 2017. It is also subject to public hearing at that meeting as well.

3) C-17-03 Residence at 91 Saulsbury Road Conditional Use Review – Public Hearing and Conditional Use Review to permit conversion of an existing 1,360 SF two-story structure into residential use. The property consists of an 8,036.6 S.F. +/- parcel (0.1845 acres). The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the east side of Saulsbury Road and north of Carver Road. The owner of record is 91 Saulsbury Rd, LLC. Property Address: 91 Saulsbury Road. Tax Parcel: ED-05-076.07-01-47.00-000. Council District 4.

Representatives: Mr. Nick Patel, Elliott Surveying; Mr. K.C. Sheth, owner

Mr. Swierczek stated that C-17-03 is an application for a Conditional Use review to permit conversion of an existing 1,360 SF two story structure from an office use to a one family residence. The site is located on the east side of Saulsbury Road north of Carver Road and is addressed 91 Saulsbury Road. It is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone) requirements. The COZ-1 (Corridor Overlay Zone) is designed to foster an attractive, efficient and economically vibrant commercial corridor

along Saulsbury Road. In considering this, the Planning Office would like to emphasis that this is an existing building. This lot also has three mature trees which means that it already meets its tree requirements. A one-family residence has a required minimum of one off-street parking space. The property currently has five off-street parking spaces and one handicapped space. There is already an existing one way entrance to the site with the entrance and exit being separate but both onto Saulsbury Road. There is also a sidewalk already installed along the Saulsbury Road frontage.

The application is for a Conditional Use as the proposed use as a one family residence is permitted in the CPO (Commercial and Professional Office Zone). In a Conditional Use application, the Planning Commission is to consider whether or not the planned use is appropriate in type and scale for the immediate neighborhood and fostering a sense of harmony in location, size and character. The Planning Commission should also consider whether the proposed use will have an adverse impact on the future or the redevelopment of the surrounding area. The Planning Office has noted some minor revisions to the plan but is making no specific recommendations as the applicant purposes no exterior changes. Therefore, the Planning Commission is simply looking at the Conditional Use application for use of the existing building as a one family residence.

Mr. Patel stated that he is in agreement with everything that the Planning Staff has said about the property. They are looking to seek approval of a Conditional Use to allow for the single family residential tenant. With the comments made forth, they are also willing to work with the Department to meet all of the requirements that are necessary in regards to having this approved.

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

Mr. Holt moved to approve C-17-03 Residence at 91 Saulsbury Road Conditional Use Review, based on there being no objections, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote with Ms. Edwards absent. Mr. Holden voting yes; due to the lack of public opposition and compliance as a Conditional Use under the current zoning. Mr. Roach voting yes; it's adding much needed property in the area with so many schools and it also meets the requirements as it pertains to parking and it is in compliance with the COZ-1 (Corridor Overlay Zone) requirements for the tree plantings and everything in that nature. Mr. Holt voting yes; it is compliance with City codes. Mr. Baldwin voting yes. Dr. Jones voting yes; based upon previous observations and comments. Mrs. Welsh voting yes; the request is in compliance with the Conditional Use of the area. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; he sees no reason to deny the request.

4) C-17-04 House of Pride Offices at 45 South New Street – Public Hearing and Conditional Use Review to convert an existing one-family dwelling structure into a philanthropic use as the administrative facility (offices) for House of Pride. The property consists of a 9,090 SF +/- parcel. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of South New Street, north of Reed Street, and south of Division Street. The owner of record is House of Pride, Inc. Property Address: 45 South New Street. Tax Parcel: ED-05-077.05-03-05.00-000. Council District: 4.

Representatives: Mr. Marion Lott, House of Pride; Mrs. Mary-Beth Johnson, House of Pride

Mr. Diaz stated that this project is to convert an existing one-family residence into offices for the House of Pride. The site is located on the east side of South New Street north of Reed Street and is addressed as 45 South New Street. The site is zoned RG-1 (General Residence Zone) and the proposed use would be conditionally permitted as a philanthropic use. So, because this application is for a Conditional Use, the Planning Commission should discuss with the applicant today, the details of the proposed use and ask for conditions as appropriate in order to make sure that the project remains appropriate for the size and scale of the neighborhood and there will not be any adverse effects on neighboring properties.

In Staff's discussions with the applicant, they learned that the intended hours of operation for the site are 8:00AM to 5:00PM on week days and 8:00AM to 1:30PM on Saturdays and the occupancy of the building at any one time would not exceed six people. Planned activities at the office include but are not limited to paying bills, holding group sessions, writing reports and conducting community service. Because the site is being converted to an office, it is a change of occupancy and there are some requirements by other agencies related to the physical conversion of the building into an office. For Planning, Staff has a number of recommendations on conditions that the Commission could ask for as part of the approval of this project. The first is that the property maintain two off-street parking spaces in the existing driveway. The second is that the applicant install at least one bicycle parking space on the property. The third is that the use of the property as an overnight shelter be prohibited. The fourth is that no changes be made to the exterior of the building that would alter its appearance as a residential structure. The fifth is that any new outside utilities or air conditioning equipment required as part of the conversion of the building would be screened from public view. The sixth requirement is that any granted Conditional Use for it be periodically renewed. Specifically, they would recommend that the application come back to the Planning Commission in a year's time to ensure that any asked for conditions are being complied with.

Mr. Roach questioned if any of the men that used to stay at this location are being displaced or being moved to another location? Responding to Mr. Roach, Mr. Lott stated that there is no resident living in this building. It was one of the buildings that was renovated so they didn't have anyone living here.

Ms. Maucher questioned how many employees will there be? Responding to Ms. Maucher, Mr. Lott stated that they have four and they are all volunteers.

Mr. Tolbert questioned if the four employees were full time? Responding to Mr. Tolbert, Mr. Lott stated that the employees were all volunteers.

Mr. Lott stated that they are in agreement with the conditions and also with the overview from Staff.

Mr. Tolbert questioned if that meant that they would work collaboratively with any recommendations that Staff makes? Responding to Mr. Tolbert, Mr. Lott stated that was correct.

Mrs. Johnson stated that she is the property manager for the House of Pride. She is 100% volunteer and has been there since 2010. By them having the ability to be there, it is a very big deterrent to people wanting to sell drugs even though that is a very bad area. During their hours of operation when she and Mr. Lott are walking around, it deters people from doing it because when they see them coming they know that she is a "cop caller." When she sees something, she says something. They are just trying to do their best to try to clean up that area and she thinks with them being there 8:00AM to 5:00PM everyday it at least deters them for that long of a period.

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

Mrs. Melson-Williams stated that for the record, distributed to the Commissioners was a hand out that consisted of a series of Google Map images. Specifically, they are street views of South New Street that shows the subject property both in aerial view and then the two views focused on the two-story structure itself that is on the subject property at 45 South New Street.

Mr. Holden moved to approve C-17-04 House of Pride Offices at 45 South New Street to include Staff recommendations for conditions of approval Numbers 1 through 6 with Number 6 being an annual renewal of the Conditional Use permit, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Ms. Edwards absent. Mr. Holden voting yes; including the Staff recommended comments and due to lack of public opposition. Mr. Roach voting yes; he wants to say thank you for the work that they are doing in the community to make Dover better. Mr. Holt voting yes; it's a nice looking house, it meets the Conditional Use plans and it will be an asset to the neighborhood. Mr. Baldwin voting yes; for all of the reasons stated. Dr. Jones voting yes; for previous reasons stated and in her own summary, she thinks that it's a great improvement to continue to improve the climate in the area as well as the productivity in the area. Mrs. Welsh voting yes; she is familiar with the House of Pride and what they do and she thanks them very much for all that they do. Ms. Maucher voting yes; the Zoning Ordinance allows this kind of Conditional Use and it furthers a good use for the property. Mr. Tolbert voting yes; the applicant has expressed their willingness to work collaboratively not only with the Staff but also with the police if necessary in order to make the neighborhood better. He thinks that they have people that will accomplish those goals.

5) S-17-23 Kent Pediatrics at 53 Roosevelt Avenue – Public Hearing and Review of a Site Development Plan application to permit construction of a 2,520 S.F. one-story medical office building and associated site improvements. The property consists of a 15,350 S.F. +/- parcel (0.36 acres) and is zoned C-4 (Highway Commercial Zone). The property is located on the north side of Roosevelt Avenue and west of South DuPont Highway. The owner of record is JCD Investments, LLC. Property Address: 53 Roosevelt Avenue. Tax Parcel: ED-05-077.17-05-73.00-000. Council District 2. *Waiver Requests: Alternative Format of Opaque Barrier; Elimination of Sidewalk Requirement; and Partial Elimination of Curbing Requirement. This property is the subject of variance applications V-17-05 approved by the Board of Adjustment on February 15, 2017 and V-17-11 approved on April 19, 2017. The variances granted were to allow an increase in parking and to reduce the rear yard setback requirement.*

Representatives: Mr. Gregory Fusco, Key Engineering; Mr. James Medved, Kent Pediatrics

Mr. Diaz stated that this project is to construct a 2,520 SF medical office building that will be a new home for Kent Pediatrics. The project is to be constructed on the north side of Roosevelt Avenue west of South DuPont Highway and is addressed as 53 Roosevelt Avenue. The site is zoned C-4 (Highway Commercial Zone). This is a tight site; about 1/3 of an acre. There have been a few steps necessary to prepare the site for development. The site has been to the Board of Adjustment two times. First, to increase the maximum allowable number of parking spaces and a second time to decrease the minimum rear setback of the property. Before the site is developed it will need to be cleared and the applicant is also working with the City's Public Works Department to determine the best strategy for gaining access to the site in terms of the type of entrance that it should have and what the appropriate signage and striping on the street should be.

Overall, the site design is pretty simple. The building is towards the back of the site and there is parking in the front. There are stormwater management areas in the rear and front yards. The building features a prominent front entrance door and an employee entrance on the west side. It also features relatively small windows in front for patient privacy.

There are three waiver requests. The first is for the alternative format of the opaque barrier requirement. An opaque barrier is required along the rear property line of the site because it is adjacent to residential uses. The applicant would like to plant the landscape component of the barrier on their property side of the fence due to ease of maintenance concerns. Staff is recommending approval of this waiver. The second waiver request is for frontage sidewalk. They are asking for a waiver due to lack of adjoining sidewalk on adjacent properties as well as the need to convey an easement to the City for its construction and the difficulty of constructing the sidewalk and the tight space on the west side of the driveway. Staff is recommending a partial waiver here to address the sidewalk on the west side of the driveway. They are not recommending a full waiver because they believe that a full sidewalk will eventually be available to this property coming from the east from the highway. Public Works is willing to accept the easement. The third waiver request is for the partial elimination of curbing on the property. The applicant is asking for this waiver to allow easier conveyance of stormwater to the stormwater management facilities both from their site and the neighboring property to the west. Staff is recommending approval of this waiver and the applicant is already proposing the parking bumpers that Staff normally requests as a condition of granting this waiver. Again, Staff recommendations are for approval of the opaque barrier alternative format waiver, partial approval of the sidewalk waiver to waive only the sidewalk on the west side of driveway and approval of the curbing waiver.

Mr. Holt questioned if there is a stormwater pond or an underground holding area there for the stormwater run-off? Responding to Mr. Holt, Mr. Diaz showed a display of areas both in the front and rear of the property where the stormwater management facilities are located.

Mr. Fusco stated that they are in agreement with the report prepared by Mr. Diaz. Mr. Diaz and other Staff have been very helpful to them with this application. There is one thing that they would like to point out with regard to the sidewalk waiver that they are requesting. Their plan in

fact does proposed sidewalk. In order for them to actually construct the sidewalk, they would be providing a five foot wide easement on their property for the construction of the sidewalk which the applicant was willing to do when they submitted it. He would just like the Commission to understand and consider the seven or eight properties to the west of this particular site that are all residential in nature. They are all owned by individual property owners. The Town would also have to obtain five foot wide easements from those individual property owners in order to have someone construct sidewalk and continue the sidewalk down Roosevelt Avenue to the west. Being a municipal engineer over the last thirty-five years, one of the hardest things that he has ever encountered is knocking on people's doors and asking for easements whether it be for sidewalk or utilities or multiple purpose paths; it takes a long time. He just questions understanding the fact that if they did construct the sidewalk and it was approved in that manner and the waiver wasn't granted, how long this site would stand by itself with the sidewalk in front of it without sidewalk being constructed elsewhere in the community. Other than that they have worked diligently with Mr. Diaz and requested the waivers that his Staff supports. They are willing to comply with all of the review letters and comments that the other particular divisions of the City have offered in order for them to complete the Site Plan.

Mr. Holden questioned if he understands correctly that the applicant would prefer to grant an easement for a sidewalk in the future but not construct the sidewalk now? Responding to Mr. Holden, Mr. Fusco stated that they could certainly do that; it would make sense.

Ms. Maucher questioned if there were sidewalks on the other side of the street? Responding to Ms. Maucher, Mr. Fusco stated that there are sidewalks for the full length of Roosevelt Avenue (on the south).

Mr. Holt stated that it is a nice looking building. He was looking at the layout and the sketches and they did a good job on it.

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

Mr. Holden moved to approve S-17-23 Kent Pediatrics at 53 Roosevelt Avenue to include the waivers for opaque barrier alternative format, the elimination of the sidewalk requirement and the partial elimination of curbing requirement but do require the applicant to provide an easement for the installation of a sidewalk in the future, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Ms. Edwards absent. Mr. Holden voting yes; due to conformance with Code and lack of opposition. Mr. Roach voting yes; he thinks that it is a beautiful building and he is excited that it does not have a flat roof. Mr. Holt voting yes; it is a very nice building and he thinks that with all of the requirements and the sidewalk problems he thinks they can work it out and will be an asset to the area. Mr. Baldwin voting yes. Dr. Jones voting yes; for the reasons previously stated. Mrs. Welsh voting yes; for the reasons previously stated. Ms. Maucher voting yes; it conforms with C-4 (Highway Commercial Zone) and the waivers make good use of the property especially the granting of the easement for future sidewalks. Mr. Tolbert voting yes; he fully expects the applicant to work cooperatively and collaboratively with the Staff regarding all of the issues that were brought up by the Staff regarding this application.

Mrs. Melson-Williams stated that just a reminder to the Commissioners that the Planning Commission Quarterly Workshop is scheduled for Wednesday, August 23, 2017 at noon in the City Hall Conference Room. If you are planning to attend please confirm with Staff.

Meeting adjourned at 8:21 PM.

Sincerely,

Kristen Mullaney
Secretary