CITY OF DOVER PLANNING COMMISSION
January 19, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, January 19, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Colonel Welsh, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still and Mr. Tolbert. Mr. Ambruso was absent.

Staff members present were Mrs. Townshend, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz and Mrs. Mullaney. Also present were Mr. Phil McGinnis and Mr. Randy Duplechain. Speaking from the public were Mr. Glen Stubbolo, Ms. Toni Gillis, Ms. Dawn Pasco and Mr. Charles Hutchins.

APPROVAL OF AGENDA

Colonel Welsh moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF DECEMBER 16, 2015

Ms. Still moved to approve the Planning Commission Meeting minutes of December 16, 2015, seconded by Colonel Welsh and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Tuesday, February 16, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop is scheduled for Wednesday, February 17, 2016 at noon in the City Hall Conference Room.

Mrs. Townshend stated that the Planning Commission received a copy of the new RC Zoning regulations based on the Ordinance adopted by City Council on December 14, 2015

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on January 11, 2016.

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

2) C-15-01 Professional Office at 15 Kings Highway NE – Re-evaluation Annual Review including a Public Hearing for a Conditional Use Permit to allow professional offices at an existing 3,250 S.F. ± structure on a 25,920 S.F. ± parcel. The application was reviewed by the Planning Commission on January 20, 2015 with approval of the professional office use conditioned upon a one-year review among other conditions. The property is zoned RG-1 (General Residence Zone) and subject to the H (Historic District Zone). Planned interior

renovations will convert the use from residential to office. The property is located at the north side of Kings Highway on the segment designated S.R. 8 at the corner of Kent Avenue. The owner of record was Philip W. Coombe and equitable owner Marengo Ventures, LLC c/o Scott and Rebecca Kidner. Property Address: 15 Kings Highway NE. Tax Parcel: ED-05-077.05-02-50.00-000. Council District 3.

Representatives: Mr. Phil McGinnis, McGinnis Commercial Real Estate Company

Mr. Cook stated that this application was for a professional office at 15 Kings Highway NE. At the meeting of January 20, 2015 the Planning Commission approved the Conditional Use for the property as professional offices conditioned upon a one-year review among other conditions that were in the DAC Report at the time. The property is zoned RG-1 (General Residence Zone) and also subject to H (Historic District Zone). Planned interior renovations converted the use from residential to office. The property is located at the north side of Kings Highway on the segment designated State Route 8 at the corner of Kent Avenue.

The Commissioners were given a memo with a little background on this project as well as a Zoning Map Exhibit. It's still white on the outside. The majority of the improvements to the property were interior; however, as part of their Conditional Use process they did install an ADA accessible ramp on the left side of the building. Most of the conditions in the Staff Report from last year were to retain the existing parking condition as it was. Everything else on the exterior was just some landscaping clean-up and things like that.

Mr. McGinnis stated that they think that they've complied with all of the conditions set forth last year. They've made improvements to the property that they think conformed with the neighborhood and benefit the neighborhood.

Mr. Holt questioned if a new roof was installed? Responding to Mr. Holt, Mr. McGinnis stated yes, it required a new roof.

Mr. Cregar stated that his office is right across the street from this project. He can tell them that spring, summer and fall there were all kinds of work people there doing renovations and changes. He can tell from his experience and being there every day, they have complied. There are no major traffic issues and there's no excessive use of the building which people might have been concerned about before. He thinks they did a good job on this and they have been good neighbors.

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

Mr. Cregar stated that they don't need to bring this application back to the Commission. Anything that they need to put in place can be handled through Planning and Inspections. Responding to Mr. Cregar, Mrs. Townshend stated yes, there are actually provisions in the *Zoning Ordinance* for Staff to be able to bring a Conditional Use back if it doesn't comply. The one year review is something that the Planning Commission has done just to make sure that everything is copasetic.

Mr. Cregar questioned if a formal motion was needed to accept this review and to put it back in Staff's hands? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar moved to approve C-15-01 Professional Office at 15 Kings Highway NE, not to bring it back to the Commission anymore and to put it back into the Planning office for their review if there are any problems in the future, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes, for the reasons stated and his personal thoughts in driving by the property is that they've done a good job. It's slow and steady progress and it's very appealing from the street. Mr. Cregar voting yes, for the reasons previously stated. Colonel Welsh voting yes. Mr. Holt voting yes, for all of the reasons previously stated and he thinks it will be an asset to the neighborhood. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes, the applicant has met the conditions for approval. Ms. Still voting yes, in concurrence with all prior comments and she too feels that it's been a significant improvement. Mr. Tolbert voting yes, he is well satisfied with the work that has been done there and the cooperation of the applicant with the Planning Commission and Staff.

NEW DEVELOPMENT APPLICATIONS

1) Z-16-01 Lands of Halpern Family Property Investment LP at 1042 South Bradford Street: Rezoning from R-8 to C-1A and R-8 - Public Hearing and Review for Recommendation to City Council on a rezoning application for the 2,373 S.F. portion of the 10,373 S.F. ± parcel located adjacent to the west property line. The property is zoned R-8 (One Family Residence Zone). The proposed zoning is C-1A (Limited Commercial Zone) for a 2,373 S.F. portion of the parcel with the remainder of the property as R-8 (One Family Residence Zone). The property is located on the west side of South Bradford Street and south of Waples Avenue. The owner of record is Halpern Family Property Investment LP. Address: 1042 South Bradford St. Tax Parcel: ED-05-077.17-03-14.00-000. Council District 2. Ordinance #2015-24. *A Public Hearing and Final Reading are scheduled for action before the City Council on February 8, 2016.*

Representatives: Mr. Randy Duplechain; Davis, Bowen and Friedel

Mrs. Townshend stated that this is an application is to rezone 2,373 S.F. of a 10,373 S.F. residential lot to C-1A (Limited Commercial Zone). There is currently a residential lot zoned R-8 (One Family Residence Zone) that has a total area of 10,373 S.F. If the rezoning is approved as requested there would be 2,373 S.F. of that parcel that would be C-1A (Limited Commercial Zone) and the remaining 8,000 S.F. of the lot would remain R-8 (One Family Residence Zone). In the *Comprehensive Plan* it is shown as Residential Medium Density. In consultation with the State Planning Office, they concurred that this was a shift of a zoning line so it would be considered a Minor Variation to the *Comprehensive Plan*. The application is being brought forward in conjunction with the neighboring property to the west that is zoned C-1A (Limited Commercial Zone).

There is not a whole lot of parking behind the commercial building and parking has been a challenge for the tenants. The rezoning request would shift the zoning line about thirty (30) feet east and then following that the applicant would bring in a Lot Line Adjustment Plan and an Administrative Site Plan to pave and stripe for parking. The property to the north is a residential property with a house on it. The property to the south is zoned R-8 (One Family Residence Zone) but it is the parking lot for The Grange. If the rezoning goes through and the parking lot is extended in this area, the applicant would be required to screen between the two (2) uses.

The properties along South Bradford Street are principally R-8 (One Family Residence Zone). There are some RGO (General Residence and Office Zone) properties. As you get north on Bradford Street towards the hospital, it is more of a mix of R-8 (One Family Residence Zone) and RGO (General Residence and Office Zone). The properties north and south of the subject property are zoned R-8 (One Family Residence Zone) but the property at the south is developed as a parking lot.

Mr. Holden questioned the screening that would be required? They would have to screen the property to the north since it's residential. Is the property to the south an existing parking lot? Responding to Mr. Holden, Mrs. Townshend stated yes, the property to the south is a parking lot so they would have to screen to the north and the east of the property.

Mr. Duplechain stated that Mrs. Townshend has pretty much covered everything related to the application. The property owner has a tenant downstairs and they are in negotiations with another tenant for the second floor of the building and the second floor tenant is concerned about there not being enough parking for everyone. They are asking for a rezoning of a portion of the adjacent parcel to allow for an additional seven (7) spaces to be constructed there. They understand conditions of approval would be screening and they agree with all of the other conditions.

Mr. Tolbert opened a public hearing.

Mr. Glen Stubbolo – 1081 South Bradford Street Dover DE 19904

Mr. Stubbolo stated that there seems to be a "creep" or a "crawl" in their residential neighborhood. Businesses are continuing to grow and it's transforming the nature. To borrow some words from Mr. McGinnis "Is it an asset to our community? Does it improve our neighborhood?" He has concerns about businesses continuing to be located on their street. At the corner of Wyoming Avenue and Bradford Street is an empty building that has sat empty for several years. At the other direction, there was a rental property that has a drug and alcohol abuse facility in it and there are children who live on this street. They have some concerns about the transformation of their neighborhood, their property values and their quality of life. He doesn't have issues; he doesn't live next to this property. His concern is traffic on the street, he does have children and there are more children coming onto his street. How are they going to get to the parking lot? Are they coming off of Bradford Street or are they coming off of Governors Avenue? Responding to Mr. Stubbolo, Mrs. Townshend stated that it's specifically stated in the report that if the rezoning is successful and a parking lot is constructed, access would not be permitted off of Bradford Street. The *Zoning Ordinance* is very clear that you cannot park on or have to drive through a property to access a property for which the property you are crossing isn't zoned. It would have to be from the rear. There is not actually an alley; the properties abut each other so there is some parallel parking in that area and then it would be off of that area that they would have to access it.

Mr. Stubbolo stated that he wanted to thank the Commissioners and Staff for all of the hard work that they do for the citizens. He asks that the Commissioners just be mindful that this is their residence, that's where they live and have raised many of their children and still have some at home. That "creep" is just starting to concern them.

Ms. Toni Gillis – 1086 South Bradford Street Dover DE 19904

Ms. Gillis stated that she did not receive a notification but she does live on that section of the street. Mrs. Townshend had stated that The Grange parking lot is actually built on a residential lot. Responding to Ms. Gillis, Mrs. Townshend stated that the property is zoned R-8 (One Family Residence Zone).

Ms. Gillis questioned how that happened? Responding to Ms. Gillis, Mrs. Townshend stated that it's a non-conforming use.

Ms. Gillis stated that's a concern to her. The other concern to her is that this building at one time was approved with the amount of parking that it has. She has seen other approvals happen where there have been variances given by the Planning Commission or whoever makes that decision. If it had enough parking when it was built then it has enough parking now. She is very concerned on her street; they have numerous families and they also have numerous elderly people. The additional traffic is a big concern and Waples Avenue comes into their street. So if you can enter through Governors Avenue and you can enter through Waples Avenue then they are going to drive down Bradford Street to get there. It's a big concern so she hopes when they look at the non-conforming use that they consider the parking lot of The Grange is supposed to be residential also.

Ms. Dawn Pasco – 1054 South Bradford Street Dover DE 19904

Ms. Pasco stated that she also has concerns that this would bring more traffic even if it is coming in from Waples Avenue. They want to keep it a neighborhood. There are elderly, there are children and there are people with animals and right now it's a nice little neighborhood. They don't want to see this change; they don't want to see the zoning change. Living next to The Grange is enough; her house is directly there so she will be directly impacted.

Mr. Charles Hutchins – 1058 South Bradford Street Dover DE 19904

Mr. Hutchins stated that within the last two to four (2-4) years it was brought up that this area would not be rezoned for any commercial property and only a small piece of the residents were losing. That is something that the Commission was not planning on doing. He just hopes they, the Commission, doesn't rezone the property.

Mr. Tolbert closed the public hearing.

Mr. Tolbert questioned if the applicant could give them some comments regarding traffic? What type of traffic do they anticipate for this property? Responding to Mr. Tolbert, Mr. Duplechain stated that traffic increase would only be from the new tenants that would be moving in the upper floor and again they are only adding seven (7) spaces or proposing to add seven (7) spaces. They are hoping that the Commission considers rezoning a portion of this property. They understand that this area is kind of a mix of residential, commercial and office and that's why they only requested that a portion of the property be rezoned and that the remainder of it stay as a residential home. The tenant is in negotiations with someone who wants to lease the second floor and they feel they have enough parking but they were asking to see if they could get just a little bit more just to be on the safe side so they wouldn't be in a situation where they may be short on parking. They thought this was a reasonable request especially since they were keeping the majority of the property as R-8 (One Family Residence Zone).

Mr. Tolbert questioned how many tenants they planned on having in the building? Responding to Mr. Tolbert, Mr. Duplechain stated that there is one downstairs right now and there would be another tenant upstairs.

Mr. Tolbert questioned if he knew who the new tenants would be and what type of traffic they would create? Responding to Mr. Tolbert, Mr. Duplechain stated that he doesn't know who the downstairs tenant would be and the upstairs tenant is still in lease negotiations but it's a local company in Dover. He is not at liberty to say who it is but they are a prominent local company.

Dr. Jones questioned if the second floor has ever had a tenant? Responding to Dr. Jones, Mr. Duplechain stated that he is not 100% sure but he does know that a portion of it has been renovated and they just got a Building Permit to continue that renovation. It's been there for a long time so he is assuming that there was a second floor tenant but he is not sure.

Mr. Cregar stated that The Grange parking lot was non-conforming in that it was there long before zoning The Grange had that area so that was existing. The City is not requesting that any of this be rezoned to add additional parking; that building has the parking that has always been there and they would allow that property to be used upstairs and downstairs with that parking, correct? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Duplechain stated that he believes there is no parking requirement spacewise for this property. Responding to Mr. Duplechain stated that the C-1A (Limited Commercial Zone) does not have a minimum parking requirement. There are uses that may have a parking requirement and the intent is not that the parking requirement be zero, it's that it be flexible so that Staff and the Planning Commission can work with the applicants to provide the parking that is needed for the actual uses.

Mr. Holden questioned if The Grange parking lot had access off of South Bradford Street? Responding to Mr. Holden, Mrs. Townshend stated that she doesn't believe that it has access off of South Bradford Street.

Colonel Welsh moved to recommend approval to City Council for Z-16-01 Lands of Halpern Family Property Investment LP at 1042 South Bradford Street: Rezoning from R-8 to C-1A and R-8, seconded by Mr. Holt and the motion was carried 6-2 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes, he thinks that supporting business in Downtown Dover is important. Also that the remaining residential lot meets the bulk zoning dimensions and other requirements in the Code. He understands the concerns about the neighborhood and it's a challenge that he thinks they face as the City grows but he thinks it's a good move. Mr. Cregar voting no, he grew up on this street; he has watched over the years how the street has changed and in a lot of ways there has been a change for the better. The mixed use is not always necessarily a bad thing but he does worry about the "creep" and he does worry about the fact that this parking lot was used for this building for years and the fact that they are increasing it by chopping off some pieces shows that they continue to allow "creep". He doesn't see that it's necessary; the building can be used and they are not going to destroy its use. Colonel Welsh voting yes, he is sympathetic to the concerns of the residents but he thinks seven (7) parking spots that have no access through their residential street would have a significant impact on their neighborhood. It's a move inward not outward; it's coming in closer to the building. Mr. Holt voting yes, he feels like the commercial end of this lot is needed for this property. Mr. Baldwin voting yes, it meets Code requirement and it's not an

expansion. Dr. Jones voting no, there were some details missing regarding the previous second floor occupants and parking. Also, she believes she heard from the applicant that there really was adequate parking. Ms. Still voting yes, she believes it's an improvement interior to the block as opposed to exterior and she thinks that providing additional parking to the interior of the lot is preferable than having people park on the street if there is a need for more parking. Mr. Tolbert voting yes, it's a Minor Variation from the 2008 Comprehensive Plan and it also allows for improving parking for the adjacent commercial property.

Mrs. Townshend stated that the Planning Commission is making a recommendation to City Council. City Council will hold a public hearing on February 8, 2016 at 7:30PM in Council Chambers where the residents will also have an opportunity to share their thoughts with City Council.

Meeting adjourned at 7:38 PM.
Sincerely,

Kristen Mullaney
Secretary