CITY OF DOVER PLANNING COMMISSION
November 16, 2015

The Regular Meeting of the City of Dover Planning Commission was held on Monday, November 16, 2015 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, Mrs. Dawn Melson-Williams and Mrs. Mullaney. Also present were Mr. Joseph Petrosky and Mr. Jonathan Street. Speaking from the public were Mr. Tim Gable, Mr. Jonathan White and Mr. Jerry Dunning.

APPROVAL OF AGENDA

Mr. Cregar moved to approve the agenda as submitted, seconded by Ms. Still and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF OCTOBER 19, 2015

Colonel Welsh moved to approve the Planning Commission Meeting minutes of October 19, 2015, seconded by Mr. Cregar and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on October 26, 2015 and November 9, 2015.

Mrs. Townshend stated that the Commissioners had a listing of the University of Delaware's planning related training classes. December 4, 2015 is a class called *Walk This Way: Creating ADA Accessible Communities with Walk Appeal*. She thinks it's one of the first times that this class has been offered so if any of the Commissioners are interested in attending, they can let Planning Staff know and they can get them registered.

Mrs. Townshend stated that there is a flyer regarding Division Street Design Week. It is on-going this week; she just came from the first of the public workshops. They will have public workshops again tomorrow from 5:00pm to 7:00pm and Thursday will be the final presentation from 5:00pm to 7:00pm located at the Inner City Sankofa Cultural Arts Center. They had about twenty-five (25) people attend tonight. They had a lot of really good dialogue and good group activities. The focus tonight was existing conditions and the things that people like about the Division Street and Forrest Street corridor and the things that people do not like about the corridor. They got that input and they will be working on that tomorrow and then coming out with some potential vision ideas tomorrow evening. If any of the Commissioners are able to join them, it would be wonderful.

Mrs. Townshend stated that the Quarterly Workshop Meeting scheduled for this month has been cancelled.

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, December 21, 2015 at 7:00pm in the City Council Chambers.

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-15-14 Creekstone Center Development on South Governors Avenue – Public Hearing and Site Development Master Plan Review to permit construction of a commercial complex in Phases 1-4 consisting of two 2-story, 18,080 S.F. commercial/office buildings and one 5-story, 77,745 S.F. commercial/office building. One existing 2-story 18,080 S.F. office building and associated site improvements (shown as Phase 1) was previously constructed under Site Plan S-04-19. The area of the site consists of 7.6493 acres ± which is also proposed to be subdivided into two lots: Lot 1 of 5.011 acres ± and Lot 2 of 2.6328 acres ±. The property is zoned C-2A (Limited Central Commercial Zone). The subject property is situated on the west side of South Governors Avenue near the intersection with Southbee Drive. The owner of record is Creekstone Development, LLC. Property address: 1198 South Governors Avenue. Tax Parcel: ED-05-86.05-01-12.00-000. Council District #2. *Waivers Requested: Partial Elimination of Curbing, Elimination of Opaque Barrier Requirement – Fence Component. A previous Site Development Plan S-04-19 Creekstone Center Development was approved by the Planning Commission in June 2004 with Final Plan approval in May 2005. The Site Plan expired due to lack of continual construction activity following completion of the Phase 1 Building.*

Representatives: Mr. Joseph Petrosky, Creekstone Development, LLC; Mr. Jonathan Street, Becker Morgan Group

Mr. Holden recused himself from the application since his employer is the engineer on record.

Mrs. Melson-Williams stated that this is a Site Development Master Plan. It may look somewhat familiar as it was a project that previously moved through this body back in 2004 and one of the initial buildings and some of the residential portion was actually constructed. The project sits on the west side of South Governors Avenue; there is an existing two story office building. This project proposes a project of four phases with the first phase with Building 1 already being complete. Phases 2 and 3 would replicate that two story building in the area back towards where there are residential units and then Phase 4 is the southernmost portion of the site that would be proposed for the construction of a five story commercial building. The main entrance to the site is from South Governors Avenue; that interconnection with South Governors Avenue was constructed with the 2004 plan and is part of the street improvements for South Governors Avenue and Southbee Drive in that area.

As mentioned, this is a project of four phases brought to the Commission in a Master Plan format which allows for approval of the overall concept of the Master Plan and then each phase of construction is allowed to move through an Administrative Site Plan review process once the Master Plan is approved.

The property is zoned C-2A (Limited Central Commercial Zone) which is one of the commercial zones. It does allow for a variety of commercial, retail, service and office type uses. Any tenants in the buildings that are proposed will have to comply in the uses that are permitted in the C-2A (Limited Central Commercial Zone).

The project also includes a Subdivision Plan. Currently it is a tract of land of just over 7.60 acres. They are proposing a Lot 1 area that would consist of Buildings 1, 2 and 3 and then a second lot would be created that encompasses the area of Building 4 and its associated parking lot area. This is dividing the large tract of land into two parcels.

The building architecture will continue to follow the concept that was initiated with the Phase 1 building. It is a two story building or a five story building with kind of a hipped roof system. The exterior walls are clad with Dry-vit and stone veneer detailing and the first floor areas make use of awnings over window openings.

Parking for the site is required based on a square footage of the building calculation. It is required to have four hundred and forty (440) parking spaces. Their project plan is showing four hundred fifty-four (454) parking spaces and the DAC Report outlined a table of parking by phase. It does meet the requirements for each phase of the parking and then cumulatively overall for the site. The project includes a series of loading spaces located on the south side of Building 4 as that building has a loading space requirement. The project is required to have bicycle parking; they will need to identify those locations on the site as well. Currently, the site has a street frontage sidewalk that exists and there are portions of sidewalk that lead to Buildings 1 and 4. There are sidewalk areas around Buildings 2 and 3.

There are two waivers to be considered with this project. The first is a curbing waiver and that is for the partial elimination of curbing in the area between Buildings 2 and 3. This area is already constructed as it gives access to the residences on adjoining parcels of land. The curbing relief is sought by the applicant for stormwater management purposes. The second waiver is related to the opaque barrier requirement. The waiver is for the elimination of the fence component. Where the property is adjacent to residential uses, the opaque barrier is required that consists of a landscape component and this opaque component which is typically presented as a fence. They are seeking relief from construction of that fence area. The requirement for landscaping in the form of evergreen trees or a hedge system remains on the plan and cannot be waived by the Planning Commission.

The DAC Report also provides information about the comments from the other agencies including the City's Department of Public Works, the Electric Department, the Fire Marshal's Office, DelDOT, Kent Conservation District and the Dover Kent County MPO. She would bring attention to the recommendations presented on page 7 of the report from the Planning Office. They provide recommendations on the two waivers. Staff does recommend approval of the request for waiver of the curbing and of the fence component for the opaque barrier. Related to pedestrian circulation, Staff has identified while there are some sidewalks that lead into the site to Buildings 1 and 4, the sidewalk network should be continued to ensure that pedestrians can easily reach Buildings 2 and 3 towards the rear of the property. They think that they are some opportunities for some design changes to achieve that. The third recommendation is related to careful thinking about where they place HVAC equipment in relation to the buildings and how that is viewed by the public.

Colonel Welsh questioned if the applicant agrees with the recommendations of the Planning Staff? Responding to Colonel Welsh, Mr. Petrosky stated yes.

Mr. Petrosky stated that he was the developer who took the project through in 2004. They were fortunate to build the first building and then the recession hit so the market did not allow them to complete this project. As Mrs. Melson-Williams pointed out, substantial if not a majority of the infrastructure is already in place and the improvements for entrance, stormwater, utilities and all of those types of things were built with the first building. Bottom line is yes; they concur with the recommendations from the Planning Staff.

Colonel Welsh stated that he thinks it's a nice looking plan.

Mr. Tolbert opened a public hearing.

Mr. Walter Gable – 1222 South Governors Avenue Dover DE 19904

Mr. Gable stated that he was present for the first hearing to express his concern about the privacy fence that would go along the front of his property and up the driveway. Reason being is that he likes privacy and he has people walking through back there. Since the development has taken place, he thinks it looks great and he uses the VA Center himself, but it's provided a bit of a shortcut for some people to come through and cut into some of the older neighborhoods. He has actually found spots were people were sleeping in this area. He was unaware that they were even looking to waive an opaque barrier; he is very upset to hear about that. He would just like to be put on record for being opposed to the waiver for the opaque barrier and to have something put up, preferably prior to construction. The only other comment that he had was that the HVAC was addressed and he just wanted to ask where that was planned for at this time.

Mr. Petrosky questioned for which building? Responding to Mr. Petrosky, Mr. Gable stated for the big building.

Mr. Petrosky stated that the building would be roof top units. He asked Mr. Gable if his property was located in the City limits of Dover. Responding to Mr. Petrosky, Mr. Gable stated that the City of Dover limit pretty much comes right up his driveway and makes a ninety degree turn towards the Deats.

Mr. Petrosky further questioned if his property in the City limits? Responding to Mr. Petrosky, Mr. Gable stated no.

Mr. Petrosky stated that the opaque fence that he thought they were talking about was the division between the residential condominiums and the office park. When he envisioned this project it was a mixed use project so there would be a mix of residential, office and light retail. He thinks that most agencies encourage the cross utilization of sidewalks and to put a fence there just didn't make any sense. The people that live in those condominiums don't want a fence separating the office park from the residential areas. Responding to Mr. Petrosky, Mr. Gable stated that he agrees with that.

Mr. Petrosky stated that he's not sure but he is there almost every day and on his property he doesn't have any problems. Responding to Mr. Petrosky, Mr. Gable stated that he is just referring to the portion that the affects the property line that's about three to four hundred (300-400) feet going

north and south and about six hundred (600) feet going towards the road. Mr. Petrosky worked really well with him before about tree branches and everything and he appreciates that. He has been great to work with; he is very approachable.

Mr. Jonathan White – 1156 South Governors Avenue Dover DE 19904

Mr. White stated that he resides as 1156 South Governors Avenue which is a parsonage on the same property as the Dover Church of Christ; it's on the north end of this property plan. He wants to echo what the gentleman before him said; it's a very nice looking building that's there right now and more like that will be very aesthetically pleasing. His primary concern is with privacy given the topographical nature. Building 2 all of the windows along that property line would have a direct eye line sight into the entirety of his back yard and into his house. This is a concern for himself, his wife and son. His request would be that when the property was initially put in there was a six (6) foot privacy fence but because of topography at the land area where Building 2 is, is substantially higher than the elevation of his house so far any building there, the first and second floor will have a direct line of view directly into his back yard and house. He would request some trees; something taller or higher that would be able to block the line of view. Already, when people are parked in the parking lot they can see in his house and back yard. With increasing the use of that area, increasing people and windows and such he would really appreciate some trees.

Mr. Petrosky stated that on that boundary line there is currently a six (6) foot fence and there's currently a tree line.

Mr. White used the display map to show Mr. Petrosky the area where his home is located. He stated that building buildings there would allow for people to see directly into his yard and house.

Mr. Tolbert closed the public hearing.

Mr. Holt questioned if there was a Traffic Impact Study done on this property? Responding to Mr. Holt, Mrs. Melson-Williams stated that the entrance design for this project occurred back with the 2004 project. At that time the South Governors Avenue street improvement project was in the design phase and almost being built. At that point in time she believes that the applicant worked directly with DelDOT knowing what the build-out of this site was going to be to design the entrance seen there today. Also what happened in that area was Southbee Drive was re-configured which is the intersecting street right across from this entrance. As to what types of studies DelDOT may have done at that time, she is sure there were some traffic counts based on the proposed uses of the project since it was known at that point in time.

Mr. Petrosky stated that this project was designed and approved exactly how it's being presented today. At the time, DelDOT was designing the Governors Avenue improvements so they had all kinds of studies going on for Governors Avenue. The exact same square footage was analyzed at the time. The deal that he made with DelDOT was that he gave them ten to fifteen (10-15) feet of right-of-way so that they would build the entrance when the time came that they did the Governors Avenue improvements. It's kind of frustrating to him when he put all this money into this development and there's some criticism of items that were analyzed, constructed and paid for. The only reason we are here is unfortunately because of the recession this project couldn't continue construction. The City of Dover doesn't have a mechanism other than after two (2) years you have

to start over again and that's the shame of it for a person like him who has this kind of investment already in the ground and to now be criticized about something that was approved a long time ago.

Colonel Welsh stated that he didn't know that there was any criticism; he thinks it was just a question. Responding to Colonel Welsh, Mr. Petrosky stated that he was sorry.

Mr. Holt stated that the stream in that area is a Puncheon Run stream that has kind of a history of flooding or did have that a few years ago. Every time there was heavy rain, there was flooding in the area. He guesses they have a retention pond that he is assuming would accommodate that large amount of water during a flood stage or a storm.

Mr. Tolbert questioned if Mr. Holt is saying that flooding still occurs there? Responding to Mr. Tolbert, Mr. Holt stated that he was wondering if the area was going to be able to handle this.

Mrs. Townshend stated that their improvements are outside the floodplain. The properties that have continual problems with flooding are in the flood plain which is where the water goes. There's been development upstream of this area. There's been significant over-management on construction projects including the West Dover Connector, Eden Hill and those projects upstream of this site. This is not expected to make that condition any worse and all of their improvements are above the flood plain level.

Mr. Cregar moved to approve S-15-14 Creekstone Center Development Site Development Master Plan, including the two waivers requested for the partial elimination of curbing and elimination of the opaque barrier fence component in accordance with the DAC Report and all recommendations. Additionally, the Master Plan proposes a Minor Subdivision which will also require a record plat for recordation at some point. In making the motion for the approval of the Master Plan, it depicts the general layout, the buildings, the streets, the open spaces, landscape and stormwater management areas. This is a plan that was before the Planning Commission previously and meets the requirements of the Zoning Ordinance, seconded by Colonel Welsh and the motion as unanimously carried 7-0 by roll call vote with Mr. Holden recused and Mr. Ambruso absent. Mr. Cregar voting yes. Colonel Welsh voting yes, for the reason that it was previously approved, little or no change and he thinks it's a very attractive plan and will serve the City well. Mr. Holt voting yes, it has been approved and according to the plans he thinks it will be an improvement to the area and will serve the City very well. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes, concurring with the previously stated comments and the recommendations of the DAC. She thinks it's a very attractive facility and will certainly add to Dover. Ms. Still voting yes, concurring with all the previous comments in regard to the site and it's compliance with the Code. Mr. Tolbert voting yes, concurring with all the comments made. He also wants to thank the applicants; having had a negative experience, they have been very easy to work with and they appreciate their attitude and their compliance with what's been requested of them so far.

2) MI-15-04 Text Amendment: RC Zone and Temporary Outdoor Activities – Public Hearing and Review for Recommendation to City Council on Text Amendment to *Zoning Ordinance*, Article 2 – District Regulations, Section 18 – Recreational and Commercial Zone (RC). The proposed Ordinance revisions would establish the permitted uses in the RC zone including Temporary Outdoor Activities and Temporary Camping Areas and set minimum requirements for such activities and areas. The proposed Ordinance also outlines the uses in the RC zone subject to

Conditional Use approval by the Planning Commission. The proposed Ordinance also deletes *Dover Code of Ordinances*, Chapter 14 – Amusements and Entertainments which addresses Outdoor Music Festivals. Ordinance #2015-17.

Representatives: None

Mrs. Townshend stated that this is an amendment to the *Dover Code of Ordinances*; most importantly, the *Zoning Ordinance*. There are other portions that amend other aspects of the Code but those are not under the purview of the Planning Commission. The first thing that this does is eliminates Chapter 14 - Amusements and Entertainments of the Dover Code; that is the portion that is outside of the *Zoning Ordinance.* That is an older section of Code that was used for outdoor music festivals. The most significant portions of this draft ordinance are the changes to the RC (Recreational and Commercial Zone). Most significantly is the addition of the temporary outdoor activity and temporary camping areas which are covered on lines 80 through lines 167 of the Ordinance. There are a few other cleanup things that they did while they were updating the Ordinance. One change was removing "baseball, football or boxing stadiums or arenas" and just putting "sports stadiums/arenas." They added "auto, horse and motorcycle race tracks" and "indoor and outdoor recreation and amusement establishments" as permitted uses. Under conditional uses, they took out "auto, horse and motorcycle race tracks" because that would be added to the permitted uses. They also cleaned up the language and the wording on the accessory uses.

There are fees that are listed as well. Those are actually in Appendix F; they are not actually in the *Zoning Ordinance*. The Planning Commission is certainly welcome to weigh in on the fees but it's more the substance of the Ordinance that the recommendation to City Council would include.

She went through the DAC comments so she has amendments listed on the Staff Report that would address those issued brought up in the DAC comments. The first amendment is actually something that was brought to her attention by Mr. Jerry Dunning of Dover International Speedway. It's that the Ordinance does not have casinos listed and that's supposed to be added to the draft and was overlooked in her drafting. So one amendment would be to add "casinos" and re-letter things accordingly. Lines 86 through lines 91 where it says "a plan is required" based on the Public Works comments they would add "plans must also include water supply, wastewater disposal, sanitation, erosion and sediment controls and maintenance of traffic as it relates to City streets." So that's what Public Works would be looking for on a plan submission. On line 109 where it talks about prohibited discharges, it says "no activity associated with a temporary outdoor activity shall be permitted to discharge any substance including wash-water"; it would be "including but not limited to". On lines 112 and 113 regarding the temporary camping areas it says that they would be permitted within all zones, that is a holdover from when they pulled the language from Article 6 and since this is specific to the RC (Recreation and Commercial Zone) they wouldn't want to put something would be applicable to all zones. On line 149 under camping, a comment from the Fire Marshal's Office, for recreational vehicles the requirement of ten (10) feet between recreational vehicles, the Fire Marshal has asked for the language to say that the ten (10) feet between the vehicles shall include any bump-out so if there are bump-outs they are not coming right up against another vehicle. An amendment on line 165 where the language would change to "including but not limited to" as it relates to types of discharges.

Mr. Holden questioned the language of "including" or "excluding" the bump-outs on recreational vehicles? He sees from a procedural aspect somebody holding an event could say "if I've got fifteen (15) foot trailers coming in I need twenty-five (25) foot wide spots." The challenge for somebody holding the event is how big the bump-outs on each vehicle are and how to address that? He doesn't know if Staff has had any of those discussions; he understands from a Fire Marshal's standpoint he wants to make sure he's got access. Have there been any discussions relative to if it's going to be easily and cleanly applied or are they creating a problem and do they need more discussion on that? Responding to Mr. Holden, Mrs. Townshend stated that she does not have the answer to that; Mr. Dunning from the Speedway is here. Can we wait until the public hearing to see if that question gets answered?

Mr. Holden stated absolutely, Mr. Dunning may have some comments. In the end, he understands the intent behind the language change but he doesn't want to create a problem. Responding to Mr. Holden, Mrs. Townshend stated that she understands his point, that it takes away the predictability of how wide the camping spaces need to be.

Mr. Holden stated that he wondered if the event holders know that information. Is it standard that you know you can get a spot that with bump-outs you will have a certain width. He doesn't want to create an issue that may be resolvable through some added discussion on that point.

Mr. Cregar questioned if the minimum of thirty (30) days would be enough time? Responding to Mr. Cregar, Mrs. Townshend stated that it's currently sixty (60) days in the Code for camping and they are finding that nobody turns them in sixty (60) days ahead of time. If we know that there's a big event coming, they know that they are going to get the applications so it's been able to work. It doesn't make much sense to keep it at sixty (60) days when nobody is meeting that anyway.

Mrs. Townshend stated that ultimately these are the changes to the RC (Recreational and Commercial Zone). Staff will look to bring forward in either Article 5 Supplementary Regulations and/or Article 6 Parking, something that would kind of mirror this for other zones. When we have large events, there is pretty much camping everywhere. Right now, there is the provision for recreational vehicle parking that is specifically related to motorsports events but it specifically says motorsports and recreational vehicles. What we find is that with a lot of these events, the tent camping, especially with music festivals, is becoming more popular. Staff will need to go back and change that portion of the Code as well and then there would be some provisions also for temporary outdoor events that wouldn't be quite as expansive as they are being presented in the RC (Recreational and Commercial Zone). But there are special events like carnivals held at the Dover Mall and things like that that they want to make sure they have a way to address in the *Zoning Ordinance.* This was the higher priority because Staff is working with the Speedway to annex the unincorporated areas.

Mr. Tolbert opened a public hearing.

Mr. Jerry Dunning – Dover International Speedway 1131 North DuPont Highway Dover, DE 19901

Mr. Dunning stated that he would do his best to attempt to answer the questions; however, he didn't realize or wasn't informed that there was a DAC meeting held on this subject because he would

have been there if he knew. He just received these comments tonight but there isn't any great concern with any of them.

Mr. Holden stated that he was curious on his thoughts on the Fire Marshal's recommended language change that would include bump-outs and require ten (10) feet of separation between the bump-out and the adjacent vehicle. Responding to Mr. Holden, Mr. Dunning stated that it would be difficult. Not necessarily will it affect the Speedway any differently than any other business or property owner who is trying to park RVs. He doesn't know standards that other property owners are being held to but he knows that the Speedway's parking spaces for RVs are twenty-five (25) feet wide as it exists. He has noticed over time it's getting better but there are not as many campers around for race weekends as there used to be so it's probably not as big of a problem. There used to be a lot of places with parking much closer than that and he guesses that they were the first ones to do that out of their own desire for safety. They have their own fire safety security employees and it just became important to them so that's how the standard got developed, that they were protecting the people staying in the camp grounds. If an RV only had one bump-out and they are typically 30-36 inches, it would not be a problem but in today's world RVs have bump-outs on both sides in many cases so now 6-7 feet has been added to the unit. There's a possibility to get them to still be ten (10) feet apart but it could present difficulties because people inadvertently park where they need to; they will park on the line then the bump-out goes out and is in someone else's space or vice versa. If it goes both ways, it's probably problematic. He doesn't recall any conversations that took place between the City's Fire Marshal and the Speedway's fire guys so he is puzzled by the language at this point and what the Fire Marshal's justification was for his recommendation.

Colonel Welsh questioned if this recommendation is set in stone? Responding to Colonel Welsh, Mrs. Townshend stated that it's a recommendation that's not in the Ordinance so it would need to be a separate action from the Commission to recommend it.

Colonel Welsh stated that it's an excellent point but he thinks it is virtually impossible for the City to enforce. He doesn't see how we could expect Dover Downs or any other agency to enforce that. When you accept a reservation, how do you know what the bump-out is and how do you know the size of the bump-out on the camper parked next to you is?

Mr. Holden stated that he thinks it's important to have a policy and an Ordinance that works and that's also protective to the public so he wonders if there is further discussion that might be had on this. If there's a standard width then maybe the Fire Marshal working with some of the entities that do these types of events could come up with a path that alleviates how you police it. We don't want to create an Ordinance that is setting a booby trap.

Colonel Welsh stated that you can't have someone out there with a tape measure. Something that's less specific and a little more general in nature like that the room between the campers including bump-outs would be such that it would still provide safe passage. Responding to Colonel Welsh, Mr. Dunning stated that the Ordinance does go on to say "an exception to this shall be subject to review by the Fire Marshal upon determination that the safety objectives of this subsection are achieved." So that gives the Fire Marshal lee way to approve or not he guesses.

Mrs. Townshend stated that one other option would be to just take out the sentence regarding bump-outs so that it's silent on bump-outs; she doesn't know if that helps or hurts. Or the Ordinance could be left as it is.

Mr. Holden stated that if it's at a plan level that we are approving, we have no idea where the campers are going to be parked and where the bump-outs are going to be. He thinks we should try to address this concern in a different fashion versus instituting the language as it was recommended to be included.

Mrs. Townshend stated that as it relates, there are six (6) proposed amendments. We can go through the amendments one by one and have the Planning Commission make a recommendation on each one and that can be reported with the Planning Commission action to City Council. She thinks there is valid discussion here.

Mr. Dunning questioned if they would do that independent of this meeting or if the Commission would do that tonight to keep things moving along? Responding to Mr. Dunning, Mrs. Townshend stated that they would do it tonight. They do have a little bit of time so she would say after tonight, they can re-group later this week after talking to Mr. Mullaney and Mr. Klima. If it ends up not being an issue or they decide that a discussion needs to be had before it goes to Council, then they can do that.

Mr. Dunning stated that he is open to however Mrs. Townshend wants to handle it. He is does quick math, if a bump-out is a maximum of three (3) feet that would make the unit fourteen (14) feet. You would actually have room theoretically. You would have room to always have ten (10) feet. It's based on the placement of the unit in the space. That could be somewhat subjective to people who are parking.

Colonel Welsh stated that there should be at least five (5) feet on each side of the camper and the neighboring camper should have at least five (5) feet on each side as well which would create ten (10) feet of space between each camper. He thinks that they need to think in terms of generalities and not specific feet. He thinks "to ensure safe passage" would probably be good verbiage. He doesn't think they need to tie Dover Downs or anybody else's hands to be the enforcement agency that ensures when somebody either makes a reservation or shows up at the track. He thinks that a lot of times it's first come first serve. Responding to Colonel Welsh, Mr. Dunning stated that some lots are first come first serve and other lots are reserved in advance so it's a mixed use.

Colonel Welsh questioned if there has been an issue in the past that has occurred? Responding to Colonel Welsh, Mr. Dunning stated no, not that he is aware of.

Mr. Tolbert questioned if in the past, Dover Downs marked all spaces prior to the event? Responding to Mr. Tolbert, Mr. Dunning stated yes, they always mark the spaces.

Mr. Tolbert further questioned if they continue to do that? Responding to Mr. Tolbert, Mr. Dunning stated yes, it's twenty-five (25) feet for RVs. They pretty much keep the same standard in motorsports; everybody gets twenty-five (25) feet width with forty-five (45) feet of depth.

Colonel Welsh stated that he can't imagine that twenty-five (25) feet isn't going to provide a safe distance between vehicles whether it's nine (9) feet or eleven (11) feet between each camper; it's going to be there.

Mr. Dunning stated that another thing that does happen, but it's rare, is that you get combinations of people with bump-outs side by side. Most of the time you have somebody with bump-outs and then the next guy may be a pop-up camper. It's just the way it is. Sometimes there are bump-outs on units side by side but it's probably more rare than not. Could that change in a higher valued lot? Yes, but currently the Speedway doesn't have any lots like that.

Mr. Holden stated that it sounds like the Commission could recommend that that the third amendment not be included pending the Fire Marshal working with entities to come up with plan. It seems like with the Fire Marshal, if there is a concern or has been issues can work on how the plan is laid out and if twenty-five (25) foot width is appropriate versus trying to control positioning or parking of each unit.

Mrs. Townshend stated like Mr. Dunning stated, she thinks the issue where you have things kind of jammed in a little too close are in other locations, not on the Speedway property.

Mr. Holden stated that personally he doesn't feel that the amendment is appropriate for what they have talked about so maybe the Fire Marshal can work to help develop a width standard as Dover Downs has done. Maybe a twenty-five (25) foot by forty-five (45) foot width for RV and trailers that have bump-outs and that's appropriate to allow for the variability in how people park. To him, it reads as a booby trap for someone who shows up and starts to measure the distances between campers and finds a couple that are nine (9) feet bump-out to bump-out.

Mrs. Townshend stated if it were modified to say recreational vehicle camping spaces shall be a minimum of twenty-five (25) feet in width, will that work? Responding to Mrs. Townshend, Mr. Dunning stated that was fine, that's where they are now.

Mrs. Townshend stated that could be added to Line 144 before you get to the ten (10) feet issue.

Colonel Welsh questioned if anybody knows what the purpose of the ten (10) foot separation was? Responding to Colonel Welsh, Mrs. Townshend stated that the issue is that there have been a handful of occasions where there's been a fire, typically propane related, and the ten (10) feet provides spacing so that the fire doesn't travel from one unit to another.

Colonel Welsh further questioned if it's an egress access or any kind of emergency vehicle access issue? Responding to Colonel Welsh, Mr. Dunning stated that it was done about 10-12 years ago and the intent was to separate the flammable units. If a fire got started by some means, whether somebody had a propane leak and a fire started, it helped to control the fire by them not being so close together or igniting other units close by. They were part of that; they agreed to the process of widening the spaces to twenty-five (25) feet. Their spaces prior to that were twenty (20) feet wide. The requirement was kind of uniform throughout the City at that point.

Colonel Welsh stated that makes sense but to include the bump-outs, you are not going to put your grill outside of the furthest bump-out that you have; you are going to have it up by the door.

Responding to Colonel Welsh, Mrs. Townshend stated that from a practical standpoint, the way that campers are set-up, you've got the camper and on one side of the camper you've got your social area so you're likely to have that space. At this point the Ordinance is just what you have in front of you. Any of these amendments would be addressed through a motion so you could do a series of motions to either recommend in favor of the amendment or recommend that Council does not include a certain amendment.

Mr. Dunning stated that on lines 86-91 regarding the language pertaining to "Plans also must include water supply, wastewater disposal, sanitation plan, erosion and sediment controls, and maintenance of traffic as it relates to any City streets," he doesn't know what the plan is for some parts of the RC (Recreational and Commercial Zone) even having a water or sewer requirement on them. Where the Festival is right now, the Festival organizers haven't asked for anything like that because they are controlling everything by portable means. Responding to Mr. Dunning, Mr. Lyon stated that basically what Public Works is looking for is if there's anything that's going to be connected or used from the City, any sort of water tap they want to be aware of it just so they can understand what kind of use is needed and if they need to turn on more wells. If it's something that is brought in, for Firefly the water was brought in it wasn't through the City's system, they could just say not applicable and the Public Works Department would be fine with that.

Mrs. Townshend questioned if they could in their event permit indicate that water will be brought in, wastewater will be removed from the site, they will handle all sanitation and that there is no land disturbance so there is no erosion and sediment control and there's no influence on City streets? Responding to Mrs. Townshend, Mr. Lyon stated yes, it's a resource issue; if it's anything that has to do with the City's resources then they need to know ahead of time.

Mr. Dunning stated that he is not opposed to this language; he just wanted to understand the context of why it was added in here. At some point, there may be a desire of the Festival management team to put in a bathroom somewhere in which case then there is going to be water and sewer. Responding to Mr. Dunning, Mrs. Townshend stated that would be a Site Plan because they are going to look at that separately.

Mr. Dunning stated that unfortunately it seems like it shouldn't be too early for them but it's a little early for them to decide if they are going to put permanent stuff on the site. He doesn't know what their true plans are. They are supposed to see their latest Site Plan next week or later this week and it will still be in flux. What they've got so far, he doesn't think there is anything that will require or have the desire for permanent water supply but he doesn't know for sure.

Mrs. Townshend stated that she thinks it's cleaner if the Commission makes a motion on each text amendment.

Colonel Welsh stated that he was curious on what was decided on lines 149. Responding to Colonel Welsh, Mrs. Townshend stated that the way she sees it, the Commission could simply not accept the amendment or they could accept the amendment or one thing that could be done is in lieu of that amendment on line 144 "after parking recreational vehicles" you could insert "recreational vehicle camping spaces shall be a minimum of twenty-five (25) feet in width."

Colonel Welsh stated that he likes that suggestion.

Mr. Holden stated that he thinks it works well with the specific instance that we are talking about in terms of RVs that come into Dover Downs events. He doesn't know that it works for all so he goes back to if there hasn't been an issue created by this piece of Code why do we change it before we know what we need to change it to or what problem we are trying to resolve? Do pop-up trailers at a smaller event need twenty-five (25) foot wide by forty-five (45) foot long spots? He is concerned to make that blanket change; he would lean towards leaving it as is if this Code hasn't caused a problem and we get back to what problem they are trying to resolve.

Colonel Welsh stated that he would agree with that because if it's not a problem he doesn't want to create a problem. Responding to Colonel Welsh, Mrs. Melson-Williams stated that she believed during the DAC there was some concern that they were starting to see a lot more bump-outs and the close proximity thereof. She doesn't know that they cited a certain number but it was in looking at this Code versus before it was more of a policy statement.

Mrs. Townshend stated that it's in the Article 6; everything related to RVs comes right out of that Article, the only change is the addition of tent camping.

Mr. Holden stated that maybe RVs with bump-outs need a specific citation. He is concerned to make a change. Responding to Mr. Holden, Mrs. Townshend stated that one thing that could be done would be to monitor it and if it needs to be changed in the future then it gets changed in the future. The other question is they've got twenty-five (25) foot wide spaces. If the issue isn't on these sites is it on others? This could certainly be monitored.

Colonel Welsh questioned if the Fire Marshals were are present during the course of the weekend looking at the various spots ensuring that nothing is unsafe? Responding to Colonel Welsh, Mr. Dunning stated yes, the City of Dover's Fire Marshal and assistants are out there all the time back and forth; they are always welcome. They work with the Speedway's guys on the safety side just to make sure that if anyone spots something that they feel needs to be addressed then the Speedway will address it.

Colonel Welsh further questioned if the Speedway's guys were there on a daily basis, hour by hour to inspect and enforce? Responding to Colonel Welsh, Mr. Dunning stated yes, to look at all those things.

Mrs. Townshend stated that quite honestly, once the vehicles are parked they are parked. Unless you see somebody put up something that blocks; it's impractical to require somebody to move once everything's parked. Responding to Mrs. Townshend, Mr. Dunning stated that in some cases it's really tough.

Mrs. Townshend stated that's where the City ends up working with the Speedway. That's part of the reason that they've added the standards for tents because there had been issues where tents weren't placed safely.

Mr. Dunning stated that a pop-up is still to them represents a trailer that someone's living in so they get a twenty-five (25) foot space as well. Any wheeled unit that comes in is going to get twenty-five (25) feet of space.

Mr. Tolbert closed the public hearing.

Mr. Holden questioned if it was best to address the text amendment as written and then the staff amendments after? Responding to Mr. Holden, Mrs. Townshend stated that typically it would be the opposite. It would be the amendments and then the Ordinance with the amendments as recommended.

Mr. Holden moved to recommend approval to City Council for MI-15-04 specifically the recommended amendment to Line 72 to add Item (h) Casinos and to re-letter subsequent items accordingly, seconded by Colonel Welsh and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

Mr. Holden moved to recommend approval to City Council for MI-15-04 specifically the recommended amendment to Lines 86-91 to add the following language "plans must also include water supply, wastewater disposal, sanitation plan, erosion and sediment controls and maintenance of traffic as it relates to any City streets," seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

Mr. Holden moved to recommend approval to City Council for MI-15-04 specifically the recommended amendment to Line 109 to add the words "but not limited to" after "including," seconded by Colonel Welsh and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

Mr. Holden moved to recommend approval to City Council for MI-15-04 specifically the recommended amendment to Lines 112-113 to remove the words "within all zones," seconded by Colonel Welsh and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

Mr. Holden moved to recommend to City Council for MI-15-04 specifically the recommended amendment to Line 149 to keep the language as written pending further review by the Fire Marshal in coordination with local entities, seconded by Dr. Jones and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

Mr. Holden moved to recommend approval to City Council for MI-15-04 specifically the recommended amendment to Line 165 to add the words "but not limited to" after "including," seconded by Ms. Still and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

Mrs. Townshend stated that they need a motion for the recommendation on Ordinance #2015-17 with the amendments being addressed as previously specified.

Mr. Holden moved to recommend approval to City Council for MI-15-04 Text Amendments to the RC (Recreational and Commercial Zone) in the Zoning Ordinance Article 3 District Regulations Section 18 as previously discussed and including the recommendations for the reviewed amendments, seconded by Ms. Still and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

Meeting adjourned at 8:15 PM.
Sincerely,

Kristen Mullaney
Secretary