CITY OF DOVER PLANNING COMMISSION
January 20, 2015

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, January 20, 2015 at 7:00 PM with Vice Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Holt, Mr. Baldwin, Ms. Still, Mr. Ambruso and Mr. Tolbert. Dr. Jones and Colonel Welsh were absent.

Staff members present were Mrs. Townshend, Mr. Cook, Mrs. Harvey and Mrs. Mullaney. Also present were Mr. Phil McGinnis, Mr. Scott Kidner, Mrs. Rebecca Kidner and Mr. Emmanuel Davis. Speaking from the public was Mrs. Tricia Arndt, Mr. Charles Salkin, Mr. Joe Hutter, Mr. Cameron Llewellyn, Ms. Theresa Owens, Mr. Ryan Weber, Mrs. Jennifer Mabus, Ms. Lauren Tinsley, Mr. Randy Jones, Mrs. Diana Welch, Mr. Theo Morgan and Mr. Michael Schott.

APPROVAL OF AGENDA

Mr. Holt moved to approve the agenda as submitted, seconded by Ms. Still and the motion was unanimously carried 7-0 with Dr. Jones and Colonel Welsh absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF DECEMBER 15, 2014

Ms. Still moved to approve the Planning Commission minutes of December 15, 2014, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting will be held on Tuesday, February 17, 2015 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop will be held on Wednesday, February 18, 2015 at 12:00 noon in the City Hall Conference Room.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on December 8, 2014 and January 12, 2015.

Mrs. Townshend stated that on January 11, 2015 Governor Markell designated Dover as one of three (3) Downtown Development Districts. That will make properties within that District boundary eligible for a number of incentives. Most notably, the 20% rebate of cash from the State after the property owner or business spends $25,000 on that property. The County will be matching the State's rebate up to $10,000 and the City will be adopting a series of incentives to further incentivize Downtown redevelopment. They are getting a lot of inquiries and she thinks that they will start to see things happening Downtown because now the numbers work a little better.

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) C-15-01 Professional Office at 15 Kings Highway NE – Public Hearing and Review of a Conditional Use Site Plan Application to permit professional offices at an existing 3,250 S.F. ± structure on a 25, 920 S.F. ± parcel. 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 is 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 Realty; Mr. Scott Kidner, equitable owner; Mrs. Rebecca Kidner, equitable owner

Mr. Cook stated that this is a Conditional Use Site Plan to permit professional offices at an existing 3250 S.F. structure on an existing 25,920 S.F parcel. The property is zoned RG-1 (General Residence Zone) and subject to the H (Historic District Zone) regulations. The property is located at the north side of the segment of Route 8 between Maple Lane and Kent Avenue. It's addressed as Kings Highway Northeast. The site includes a house, detached garage and existing paved areas for parking, sidewalks and driveway. The owner of record is Philip W. Coombe and the applicant is Marengo Ventures, LLC c/o Mr. and Mrs. Kidner. The property address is 15 Kings Highway NE, Tax Parcel: ED-05-077.05-02-50.00-000.

Mr. Cook ran through the report for the benefit of the public audience.

The *Zoning Ordinance* allows professional uses in the RG-1 (General Residence Zone) district as a Conditional Use subject to regulations. A summary of some of the regulations for such uses are found in the DAC report. These would be primarily concerning preserving the residential character of the use and of the physical structure and property itself. These regulations have to do with primarily regulating how many similar uses can be within a two hundred fifty (250) foot radius of that proposed use. There should be no display of products or goods visible from the street. There are parking requirements which require two (2) off-street parking spaces minimum and then a maximum of four (4). The parking should be screened from adjacent residential uses, usually by means of landscaping or sometimes barriers such as a fence. These screens need to be in place for the duration of approved Conditional Use if it is approved. There are limitations of signs such that any proposed sign for the property would be limited to six (6) square feet. There are also limitations on the hours of operation whereby they could not be open before 6:00AM and they could not be open after 8:00PM and that no more than four (4) employees could be engaged in the operation on the premises during those times.

For Conditional Use applications generally they made reference in the report to the criteria. The Commission reviews the proposed projects to determine whether or not these uses are intended and whether they are appropriate in type and scale for the immediate neighborhood.

The applicant proposes using the existing residential structure as professional offices. This location at 15 Kings Highway NE is more than two hundred fifty (250) feet from a previously approved

professional office at 109 East Division Street which was application C-14-04. In the report, they do make some note about the architecture. The building is located within the City's Historic District Zone; this means that significant exterior renovations could be subject to review by the Historic District Commission. They have records noting that the structure was built in 1915. They believe that there's probably been many renovations over the years and in terms of style the house is a little bit of a mish-mash but there are lots of things going on and certainly interesting historic details on it. There are no recent records of building permits so there is no history of any recent remodeling. There is a brick garage in the rear; this garage can be accessed directly from an alley which is along the rear property which is adjacent to the rear property line of the property.

Staff noted in the report that the site is larger than most of the parcels surrounding it. The garage area is located in the upper left hand corner. A driveway does come from the front of the property. As shown on the site plan, to the left of the structure a driveway does come from Kings Highway and leads back to that garage. People can also exit and enter through the alley.

One of the things noted in the report by Staff is that the existing landscaping is proposed by the applicant to be retained and just to be cleaned up for the most part. They took note of the shrubrow along the alley and also the shrubrow extends down Kent Avenue. These are proposed to be retained and this would screen the backyard. It's a pretty sizable backyard; there's a little pond back there with all kinds of vegetation. This would screen the proposed parking area which is actually the existing parking area. They count the garage as one (1) space and there are two (2) paved parking spaces forward of the garage. The seven (7) foot shrubrow is there. They noted the location of the Murphey School across the street. There is a tree planting requirement per the requirements of the *Zoning Ordinance* whereby nine (9) trees are required on-site based on a minimum tree density requirement of one (1) tree per three thousand (3,000) square feet. They did not receive a detailed plan with the application; however, before Final Plan approval and issuance of Certificate of Occupancy there would be a requirement that they would receive such a plan for review. Staff believes that the requirement is satisfied; they just need to see the counts.

The applicant did verbally discuss with Staff that there were no plans for significant landscape changes other than clean-up and trimming. The site does have access from the alley as well as from the front. There's public sidewalk along the Kings Highway NE frontage. Staff also made note of the crosswalk crossings across the public rights-of-way as well as pedestrian signals at that corner. Although off-street parking is required, on-street parking does seem to be readily available along Kent Avenue at the times that Staff visited the site which was in the middle of a typical work day. Bicycle parking is required according to the *Zoning Ordinance* and that would be one (1) space. They have provided additional detail to the applicant regarding that.

As conditions of approval to meet code objectives, Staff outlined five (5) things in the report. They recommended the acceptance of the existing paved drive and parking areas to be accepted as an existing condition. They found that a parking area without a raised curb to be more consistent with the objectives for preserving the residential character of the property, meaning that they recommended that the parking can stay as is. They recommended again that the hedgerows be preserved on the north and east side property lines and to maintain those and retain them at their present height for the duration of the Conditional Use. They recommended a screening requirement for parking spaces in the west side yard. They recommended some additional vegetation be placed there to satisfy the *Zoning Ordinance* requirement and that the parking areas have some screening

from the neighboring properties. There were recommendations made to satisfaction of the bicycle requirement. Staff also recommended that the Conditional Use permit be evaluated after a period of one (1) year and at that time the Planning Commission could evaluate the continuation of that permit and whether the conditions of original approval were met sufficiently.
For the public record there were some letters received from the public and these were placed on the Commissioner's desks before the meeting. There is a letter from Mrs. Tricia Arndt and one from Ms. Elizabeth Hastings.

Mr. McGinnis handed out additional correspondence to the Commissioners.

Mr. McGinnis stated that he was here representing the owner, Mr. Coombe and Mr. and Mrs. Kidner who propose to occupy the premises as an office if the application is approved. What was handed out was two (2) pieces of correspondence that were obtained from immediate neighbors of the property. He knows that Staff received correspondence from some property owners who were not contacted previously by the applicants because they live outside the range of the mailed notice requirements. One email is from Judge Young who lives across the street and the other is from the Murphey School which is across the street. Mr. Coombe also talked to the neighbor directly to the west who is in between living at the house and a nursing home who has no problem with the application. For the most part, that means the immediate neighbors are fine with the application. Every single person that was on the list was contacted by Mrs. Kidner except for two (2) people in which they had incorrect phone numbers for; they were sent letters. Again, the immediate neighbors are perfectly okay with the application. Mr. Coombe is a Korean War amputee; his mortgage is underwater so part of the issue here is that with Mr. Coombe's short sale, the Kidner's are going to buy the property and the Coombe's will escape from their debt. The property is in bad condition at this point. It needs to be renovated and the Kidner's are going to do that; they are going to restore it to bring it back up to Code. They are not planning to do anything on the outside of the property except to add the handicap ramp which is required or otherwise wouldn't even be considered. He apologized for the vague Site Plan that was referred to earlier. It's because of the rush over the mortgage conditions that they had to get something submitted. The fact that there is not much on the plan is evidence that there is not much going on there.

The Kidner's are lobbyists so they are going to be doing lobbying at this location. The point is that lobbyists don't get a lot of walk-in traffic; it's not like a doctor or psychologist even a lawyer who practices law. As lobbyists, most of their business is done over the phone. The only people who would be coming and going are the Kidner's and a couple of people who work for them.
This end of Kings Highway is probably even more of a commercial use than the last application that the Planning Commission approved further up the street. The Murphey School is across the street, Central Middle School is behind it and across the street is a Catholic charity. There is a lot more activity than residential. They have been given the same lists and conditions that the Commissioners have received. They had the DAC meeting and are on the record at the DAC meeting as accepting all of those conditions. They proposed more parking than what is being presented tonight until the DAC said they had too much parking. Parking was taken away to reflect residential appearance of the property when they are finished. They recognize that they are located in the Historic District so they are not making any changes to the exterior of the property. They will finish the Site Plan that is required with all of the conditions on the Site Plan that need to be done. Mr. Bob Larimore did the survey. They will turn over a list of things that have to be included to him so that he can update it and get it submitted prior to issuance of a Certificate of Occupancy. The Landscape Plan would be

submitted; there is nothing going on with the landscaping. They have been asked to keep the hedgerow which they never considered taking down in the first place. The back yard is filled with sort of overgrown stuff that will be cleaned up. They would like to have a nicer appearance than what is there now. Bicycle parking posts is certainly going to be okay. They accept the conditions as proposed by Mrs. Townshend.

Mr. Cregar asked to see Photo 5 on the slide show. He questioned if what they were talking about is additional vegetative screening that would screen the car parking area? Responding to Mr. Cregar, Mr. Cook stated yes, it would be in that yard area shown in the picture.

Mr. Cregar further questioned if it would be on just the west side? Responding to Mr. Cregar, Mrs. Townshend stated that the Staff recommendation was just for the west side but if they wanted to see it along the front, which could also be placed as a condition.

Mr. McGinnis stated that their understanding was that it was going to be "L" shaped. There are two (2) parking bumpers there that exist and right in the general area where the parking bumpers are, as you go to the long side of the parking space the immediate neighbor's garage is right there. They understood it to be an "L" shaped screening.

Mr. Cook read part of Recommendation #3 from the Report: "Specific recommendations would include additions to the hedges shown on/near the property line as shown in Photo 4 and the area forward of the parking bumpers as shown in Photo 4 and 5." The parking bumpers are perpendicular to property line so the parking bumpers can barely be seen there but they are parallel to the garage door probably twenty (20) feet closer to us.

Mr. Cregar questioned if there would be any screening that would be parallel to that garage door? Responding to Mr. Cregar, Mr. Cook stated yes.

Mr. McGinnis stated that they failed to mention that there was a comment from one of the neighbors, Mr. Salkin about use of the alley. His recommendation was to put a sign up about how to use the alley. He thinks that he is worried about left hand moves out of the property. Another concern would be people using the alley to access the property. He thinks using a sign goes back to the issue of the residential appearance of the neighborhood so they would be reluctant to put a sign up about not turning left. Mr. and Mrs. Kidner are going to advise clients while they are there if they park in this parking area versus parking on the street, to please turn right in the alley and go to the traffic light. Most of their visitors if they get visitors are going to be out-of-town visitors who are somewhere on their way to Legislative Hall or wherever the case may be and wouldn't even know about the alley anyway. They anticipate all of their visitors using the street for parking and access because it's easier than driving off of Kings Highway and using that alley. He comes out of that area fifty (50) different ways and parking on the street is so much easier. They will do what they can to limit access to the alley but they don't want to put up a sign.

Mr. Tolbert questioned if the alley was also used for trash disposal? Responding to Mr. Tolbert, Mr. McGinnis state yes.

Mr. Tolbert further questioned if trash cans sit out in the alleyway? Will they be blocking the traffic that is coming and going? Responding to Mr. Tolbert, Mr. McGinnis stated that the trash cans are

shielded by the garage. There is trash can and a recycling can but they are not in the alley; there is about ten (10) feet between the alley and the garage.

Mr. Tolbert opened a public hearing.

Ms. Tricia Arndt – 11 Pennsylvania Avenue Dover DE 19901

Ms. Arndt stated that she submitted comments earlier this afternoon. She is a firm believer that vibrant Downtowns rely on strong neighborhoods. There are multiple office spaces properties for sale or lease in the Downtown area along State Street, Governors Avenue and Reed Street. She listed some properties that are for sale in her written comments. Why would the City consider allowing office space in neighborhoods when there is alarming excess of empty buildings in areas zoned for such uses? Aren't we trying to encourage re-development Downtown? Shouldn't the City endeavor to keep prosperous, tight-knit neighborhoods, rather than chipping away at them with multiple Conditional Use approvals? Her seven (7) year old asked to come tonight which she thought was a very odd request from a little girl. She asked her daughter what she would like to say if she came. She said that she would say that she wanted families and kids in her neighborhood not businesses. So simple and so true. Please stop allowing office space where it doesn't belong. Instead let's focus on incentives to get businesses to locate Downtown where office space is plentiful and parcels are zoned for such uses. For these beautiful historic homes, let's develop better incentives to encourage buyers to invest in improvements to restore them.

Mr. Charles Salkin – 15 Maple Lane Dover DE 19901

Mr. Salkin stated that he lived at the property caddy corner to the rear of the subject parcel. Just a few general observations, first he appreciates the comments from his neighbor Ms. Arndt. He thinks she hit the nail on the head as to how they feel about this situation generically. He hopes that the Planning Commission will take a closer look at those concerns because she is right on target. Secondly, it's not fair in his view to characterize neighbor's reactions to this proposal to being perfectly fine. Surely he has a limited number of concerns and objections. He thinks the reason Ms. Arndt, he and others have concerns about this parcel is not all related specifically to the Kidner's proposal. During the experience they had in dealing with 109 East Division Street, a very similar issue came before them. They believed that by working with the City and working with the owner of that subject parcel that they would resolve this issue for the future. That did not happen. He personally did not support the ordinance to bring this here tonight but at some point he realized that the neighbors and the owners of the property in the City felt that compromise was reasonable so he removed himself from those discussions. They were told at that time that properties would have to revert to residential use or would have to go through a new Conditional Use application if the property was sold and that is the only reason that he backed off of that discussion. The owner of 109 East Division Street was agreeable to that. We have since heard that the City Solicitor that this was not a restriction that the Planning Commission could put on a property. He thinks that is unfortunate but that's a concern that he brings here tonight.

It's their understanding that the purpose of the ordinance was to deal with properties that were not able to be sold for residential use like the one at 109 East Division Street. It was marketed as a house on residential property for months and months, in fact years with no takers. This particular parcel was immediately advertised as a business opportunity. He thinks that's very inappropriate. That's not a feeling towards the Kidner's, they are simply a customer. He hopes the Planning Commission will take a look at that issue as well. Properties that are in residential areas should

remain residential. Generally, he thinks it's a poor way of land use in the City. The Kidner's are not the issue. They are people who have a very reasonable plan; they are good communicators. His main concerns about this parcel are the alley traffic. It's a safety and noise issue and it has been for a long time. The idea that they would be adding traffic to that small alley is a major concern. It's actually a pedestrian way for a lot of people at all hours of the day. He believes that the property driveway should either be closed with a gate or have a sign. Contrary to what Mr. McGinnis said he thinks a very sensitively designed sign would be appropriate there. He also encourages them to take a closer look at the existing driveway to confirm that it in fact complies with ADA. Just because it is paved and works for cars does not mean that it doesn't need to be upgraded. He trusts that there will be some provision that will guarantee that the interior use of the property cannot be done in such a way that it would preclude future residential uses.

Mr. Joe Hutter – 48 Delaware Avenue Dover DE 19901

Mr. Hutter stated that he is located on the corner of Pennsylvania Avenue and Delaware Avenue. There are a couple new faces from when they were here with Mr. Ruggerio for 109 East Division Street. To back up what Mr. Salkin said about them being led to believe that certain restrictions were going to occur, he did not know until this week when he demanded an answer about why the residents were not told that the Conditional Use was not going to be able to be enforced. He does not know why because the City has their names and addresses and he thinks that's wrong. As far as the Kidner's go with this application, he doesn't want to repeat anything that has already been said but he still believes in his heart that they should not have businesses in their neighborhood. If there is anything that he has noticed during his fifty-two (52) years here on earth is once you give the government something, it goes and goes and never stops. What if that property turns into a store? They can say all they want that it's not going to happen but it's never going to stop. That's his biggest concern. He does not care for the way that everything went down with 109 East Division Street although Mr. Ruggerio is a fantastic neighbor. He is good to us and they are good to him. Mr. McGinnis said that they are lobbyists and they are not going to have visitors but then said that they are not going to put a sign up because they are going to tell the visitors where to park. It contradicts right there and that does say that they are going to have visitors at this location; it's plain and simple. He feels bad for Mr. Coombe because he is a very nice gentleman. But to mislead that all the neighbors are good with the application, they are not. He is not within the two hundred (200) feet and he understands that; however; he is in the next block and the traffic around there is a lot especially when it comes to the school. Those kids are the most important. The City won't even salt those streets when it's a sheet of ice. Somebody is going to fall and hurt themselves so that needs to be addressed. The children's safety is the most important thing when they are being dropped off and picked up from school. They do not need any more action or whatever in that neighborhood. They bought into the place knowing that there was a school. They knew that there was going to be action at least twice a day. But now more and more is getting a little ridiculous.

Mrs. Townshend stated the issue is that after the Planning Commission hearing on the Ruggerio property, the question came up of whether it is a legal condition to tie a Conditional Use to ownership of the property because a Conditional Use relates to the use. If a new owner purchases the property and still meets all of those conditions, the question they asked was is it legal to tie it to the ownership? They were told by the Deputy City Solicitor that no, it is not legal to tie it to the ownership. Given that the Conditional Use was approved that their role was to notify the applicant and to notify the Commission but that was the limit of notification. At that point the decision could not be changed; the decision had already been made.

Mr. Tolbert closed the public hearing.

Mr. Cregar stated that he realizes that they can't tie it to ownership but can it be tied to that individual particular office use? Responding to Mr. Cregar, Mrs. Townshend stated yes, for example if they wanted to tie it to an office for government relations or lobbying it could be tied specifically to that. If they sold it to another lobbying firm they could still operate. It could be tied to the number of employees, the hours of operation, landscaping or signage but it can't be tied to the ownership.

Mr. Cregar further questioned if they could specify that it be a governmental relations office at that particular property? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mrs. Kidner stated that she is an attorney and has practiced for about twenty-two (22) years. Her primary practice is lobbying but she also has law clients. One is Kent County, they do not come to her office very often but she thinks the point that Mr. McGinnis is trying to make is that she doesn't have a general practice where there's this constant influx of domestic clients and criminal clients or people in and out all day long. For the most part, her clients are governmental entities or corporations. Once in a while she is going to have somebody come into town but it's not daily in and out. The traffic is more like a residence than it would be an office. In fact, they might generate less traffic than she would from her residence running her three (3) children in and out. That was the point that was being made. She is going to be practicing law there and even though her practice is primarily government relations, for her limit it to a government relations office would be unfair. She would have to lose some of her clients.

Mr. Tolbert questioned if it was a lobbyist office and a law office? Responding to Mr. Tolbert, Mrs. Kidner stated that her husband is a lobbyist not a lawyer. In the State of Delaware, you can be a lawyer and a lobbyist. You don't have to be a lawyer to be a lobbyist.

Mr. Tolbert stated that he understands. But will there be two (2) services provided from that property? Responding to Mr. Tolbert, Mrs. Kidner stated yes.

Mr. Tolbert questioned if she would be taking clients other than local governments? Responding to Mr. Tolbert, Mrs. Kidner stated yes. The point is that the type of clients that she represents, like Kent County, are not clients that are in and out creating constant traffic. They are going to be good neighbors and are not going to generate a lot of traffic and they are going to restore the home. Their plan is to renovate it; it is really not livable right now. It's been vacant for quite some type and someone talked about it being a beautiful old home. It's not really a beautiful old home right now; it will be if they are permitted to renovate it and they look forward to calling it their office home.

Mr. Cregar stated that it was stated that this property just came on the market. His understanding was that the property has been on the market although there may not have been a sign in front this property for over a year. Is that correct? Responding to Mr. Cregar, Mr. McGinnis stated that this property has been on the market for about three (3) years. It was by word of mouth. Mr. Coombe didn't want to actually list it. They have shown many different people through the property. They have shown some potential residential people through it and at the same time they are trying to

preserve what's left of Mr. Coombe's wealth. There is a valuable consideration at plate but yes, it's been on the market for about three (3) years.

Mr. Holt stated if it's been on the market for that long, the chances of it ever becoming another residential property is slim. It needs a lot of work inside and they couldn't find anybody willing to do that. Responding to Mr. Holt, Mr. McGinnis stated yes, the cost of the renovations is upwards of $100,000. That's the fact of the matter. The very first thing that has to happen is that the roof has to come off to the rafters. There's a consideration here of who's going to make that investment.

Mr. Cregar asked for Mrs. Townshend to remind them of why they established this Conditional Use and what they were talking about in the preservation of some of these homes. Mrs. Townshend stated that it started with Mr. Ruggerio coming in with an application to re-zone his property to RGO (Residential and General Office Zone) which permitted office use. Through that public hearing it was determined that it permitted a laundry list of uses other than the professional offices and the single family residences that some residents were clearly uncomfortable with. From that we worked with Mr. Ruggerio, his legal counsel and residents to come up with a way for it to work. In discussing this with the Planning Commission and Council was that some of these older homes are vacant, are very costly to maintain, and very costly to renovate especially after they have been vacant. By allowing them to be used in limited way as professional offices could allow them to be rehabilitated in a way that typically businesses have somewhat deeper pockets than residents. That was kind of where the discussion went. When the Ordinance was approved, initially it was written to also apply to State Street. Due to some of the concerns that came forth from residents on State Street, State Street was removed and it's only Route 8 and Governors Avenue.

Mr. Holden stated that he believed he remembers some Conditional Use conditions that related to an annual review or a set timeline for review. He asked for a refresher on some of those conditions. Responding to Mr. Holden, Mrs. Townshend stated that this was one of the recommended conditions of this application and Mr. Ruggerio's application. After the period of a year, the Planning Commission would review the application after it's been operational, provide a public hearing so that if there are issues it could be addressed at that time. They have done this in other cases. In some cases after that one year review they have determined that there have been problems and have had to address them as necessary. That is something that Article 10 Section 1 does allow is periodic re-visiting. They have had some where they have re-visited them multiple times; where it will come back after a year and then come back again if it was somewhat marginal. As a condition, the Commission is able to re-visit the application as long as they set that condition as they see fit.

Mr. Holden questioned if there have been Conditional Use approvals that have been rescinded at those reviews? Responding to Mr. Holden, Mrs. Townshend stated not necessarily at those reviews. There have been instances where Conditional Uses are not abiding by their conditions and there is a process set forth in the *Zoning Ordinance* for revocation of a Conditional Use. It would be initiated by Staff, brought to the Planning Commission and provided an opportunity for a public hearing where both the holder of the Conditional Use and the public have an opportunity to speak.

Mr. Cregar questioned if the applicant understands that part of this recommendation said that in one (1) year they would come back to review this and are they okay with that? Responding to Mr. Cregar, Mr. Kidner stated yes.

Ms. Still asked for clarification of what happened with the Ruggerio property as far as the Conditional Use and the Deputy Solicitor saying that was not able to be tied to the owner. Mrs. Townshend stated that the Conditional Use could not be tied to the ownership.

Ms. Still stated that it's not tied to the owner anymore but the Conditional Use property for that is still in place for the operation of the facility? Responding to Ms. Still, Mrs. Townshend stated yes.

Mr. Ambruso moved to approve C-15-01 Professional Office at 15 Kings Highway NE which would permit legal and government relations offices with the conditions specified in the DAC Report, seconded by Mr. Holt and the motion carried by roll call vote 7-0 with Dr. Jones and Colonel Welsh absent. Mr. Baldwin voting yes, for the reasons Mr. Ambruso stated. Ms. Still voting yes, the motion complies with the Conditional Use of the facility and understanding that there will be a review at a year's timeframe. Mr. Ambruso voting yes, he doesn't want to see another one of these properties fall victim to becoming another vacant house. Mr. Holden voting yes, for reasons mentioned previously and also he understands the near residents' concerns and desire for family. He also thinks it's a benefit to have the property taken care of as opposed to being abandoned for years at a time. Mr. Cregar voting yes, for all of the reasons previously stated and also he believes that the character of this business can be maintained in this neighborhood and they can be good neighbors and function together. One of the hardest things that the Planning Staff, City Council and Planning Commission have to do is trying to blend these neighborhoods. This is not easy stuff anymore. They are trying to maintain their neighborhoods but also make sure that these properties are maintained and that these things can co-exist together and that they can have vibrant neighborhoods. Mr. Holt voting yes, for the reasons stated by everyone and also he grew up with the Barros family in Dover they were good friends of his and he hates to see old houses like this fall into disrepair He thinks this is a saving grace for that property and it is going to be good for the neighborhood. Mr. Tolbert voting yes, not in disrespect for the comments they have heard to the contrary but they all know that when properties fall into disrepair and stay that way for a length of time do more to destroy a neighborhood than anything. It's an old building in the Historic District. It's a beautiful building and it's going to be restored without changing the general appearance or altering its place in the neighborhood.

2) C-15-02 Walk in the Light Church at 149 South Governors Avenue – Public Hearing and Review of a Conditional Use Plan Application to permit a place of public assembly (place of worship) in an existing commercial structure on a 3,795 S.F. ± parcel. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the east side of Governors Avenue between West Loockerman Street and Minor Street. The owner of record is D & S Investment Co., LLP. Property Address: 149 South Governors Avenue. Tax Parcel: ED-05-077.09-02-03.00-000. Council District 2.

Representatives: Mr. Emmanuel Davis, Pastor of Walk of Light Ministries

Mrs. Harvey stated that the Conditional Use Plan Review is to permit a church within an existing vacant tenant space located at 149 South Governors Avenue. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located between West Loockerman Street and Minor Street. The tenant space was most recently utilized as a retail establishment and the applicant has submitted a proposal for the use of space as a church that would be a change of use. A church is classified as a place of public assembly as defined by the *Zoning*

Ordinance. The project does not propose any building additions or changes to impervious surface coverage; therefore, it does not require approval of a Site Development Plan by Planning Commission. The church will occupy the existing vacant tenant space and the second tenant space within the building is being utilized as a service establishment. The application submission consists of a building floor plan that has been included in the packet. The allowable occupancy load will be established per the Building Code and fire regulations. The C-2 (Central Commercial Zone) zoning district does not have an off-street parking requirement. The use as a place of public assembly is typically subject to a parking requirement based on floor area or seat count; however, in this case it meets the exception of Article 6 Section 3.1A2 making the use subject to the C-2 (Central Commercial Zone) parking requirements rather than the *Zoning Ordinance,* Article 6 Section 3.1 requirements for parking for specific uses. Staff notes that there is on-street parking available in the area and several municipal parking lots located within the immediate area.

Pastor Davis stated that he would be the Pastor of the church, Walk of Light Ministries. He is a minister and has been a minister a few times before. He was in the military so he has been a minister in a few places. He is a Delawarean and he and his wife are going to start a ministry in the Dover area. The church will be an asset to the community. The parking won't be a conflict because the church would meet during non-business hours in the evenings and on the weekends. They will also be a referral to charity; they are not set-up to where they can do charitable activities but they are going to share their ministries and gospel with the community. They are also not by themselves; they also have a church that they fellowship within Laurel, DE. He and his wife also work full time so there won't be any employees in the building during the day. The Fire Marshal's Office has already given them a seating capacity of eighty (80). There is a parking lot adjacent to them for parking. They will be a blessing and an asset to the Dover community, with their military background. Not only will it be spiritual presentation of a church it's a storefront and will also look professional at all times.

Mr. Tolbert questioned if the applicant was in agreement with the overview? Responding to Mr. Tolbert, Pastor Davis stated yes, they are in compliance.

Mr. Holt questioned if their church hours would primarily be on Sunday? Responding to Mr. Holt, Pastor Davis stated yes, Sunday evenings.

Mr. Holt further questioned if there was going to be any other hours? Responding to Mr. Holt, Pastor Davis stated that there's going to be Sunday school on Sunday morning at 9:45 AM, a regular morning worship will be held at 11:00 AM and then there is a scheduled time for prayer and then periodically they will have unscheduled services maybe on Sunday afternoon at 4:00 PM or Friday evenings at 7:00 PM. That will probably be when they have guest churches come in and fellowship. The use is strictly church services or church meetings.

Mr. Holt questioned how large their congregation is? Responding to Mr. Holt, Pastor Davis stated that right now they just have a couple of members. They do a house service right now. One of their members is from extended mileage. They believe that once they open the doors, people will see the love, see the teaching, see the mission and they will come.

Mr. Holt further questioned if they had a church bus? Responding to Mr. Holt, Pastor Davis stated no, they don't have any general transportation for the church right now. They are just getting it off the ground.

Mr. Cregar questioned what a shunt trip switch was? Responding to Mr. Cregar, Mrs. Townshend stated that a shunt trip switch is a mechanism that if the fire alarm goes off that any amplified music or amplification system would also shut off so that the fire alarm is not drowned out by the sound.

Mr. Holden questioned if there were first permitted uses that would potentially be impinged if the Conditional Use was approved? Responding to Mr. Holden, Mrs. Townshend that it would depend on what he means by "being impinged." The principal permitted uses that don't go through the Conditional Use process are typically retail, restaurant or office type uses that have more regular traffic. She doesn't think that this displaces any of those uses but it does require Conditional Use because part of the purpose of the Downtown zone is to really create that foot traffic and create an atmosphere where people are coming down and walking around and going from one shop to another.

Mr. Tolbert opened a public hearing.

Mr. Cameron Llewelyn –

Mr. Llewelyn happened to be the person bestowed as the Chairperson or Co-Chairperson of the Downtown Dover Merchant's Association; it's part of the Downtown Dover Partnership. There are people here with him tonight. They meet once a month to talk about the things that they can do to help Downtown Dover grow. There have been many people before us that have done a lot of work and some of those people have grown very weary. There are some people in the back of this room that have come as a second wave and have relieved some of those prior people. They want to thank those that have gotten them to where they are today. There's one housekeeping issue. He would like everybody in the room to understand that there's no such thing as a vacant property in Downtown Dover; there are only available storefronts. When using the term "vacant" it sounds very negative. He just wants to make sure that as a community we embrace that.

There are a lot of people active in the DDP and their vision is to create a vibrant Downtown with storefronts that are not just open from 9:00 AM to 5:00 PM but from 7:00 AM to grab a cup of coffee to 9:00 PM to grab a nightcap after having dinner. With Governor Markell's bill that was passed, this is a huge thank you to Mrs. Townshend for the tireless work that she put in there. The vision for Downtown Dover is active, open storefronts. There's synergy now among merchants that allows them to feed off of each other and share clients so they have a lot of good growth. This project just so happens to be in what they like to call the "gateway to the west." Not a whole lot seems to feed back and forth from that intersection where the pharmacy is located. There's a gal in the room tonight that just purchased the property at 150 South Governors Avenue and she is going to open a vintage clothing store. That really helps us take the activity they already have on the first block of Loockerman Street and start to move it further west. There's a four point plan that the Main Street America Program has put together and nowhere in that does it say that they want to bring a bunch of churches Downtown. The reason for this is that a church that is only there for a few hours in the evening and on Sundays does not meet that four point plan to create an active, vibrant Downtown. They are here tonight with a group of concerns. There is a potential for somebody that wants to open a white tablecloth restaurant there on the corner. Negotiations are

happening but if a church were there they would be able to say no to granting a liquor license to someone who wants to sell a $35 aged prime rib but you can't have a glass of red wine with it. That's an issue for them as a community. With the news that they got on January 11, 2015, they think that the owner of that property should basically look at turning it into a retail storefront not something that is only open a few hours a week.

Ms. Theresa Owens – 150 S Governors Avenue Dover DE 19904

Ms. Owens stated that she was the recent renter of 149 South Governors Avenue. She signed a lease for two (2) years and broke her lease after a year and a half because she purchased 150 South Governors Avenue. She is the lady that Mr. Llewelyn is speaking of that's opening a retail store across the street. 152 South Governors Avenue is a church which obviously they were there before she came so she had no say in that. She thinks it's fabulous that there's anybody who wants to be a small business; however, the biggest issue is during the day time. She has been there for a year and a half; she has seen computer places, retail places, antique places, a bakery and now a tattoo shop. They are growing in their little area and now she is there. To her it's very important where retail people are because those walker-byers (which every single day she recorded how many people walked by her store) is what made her want to come down to Downtown Dover. Instead to build up with the rest of the restaurants and the retail area because she cares. She wants to have more business and more money so she wants retail business to open up at the same times that she is open. The only big issue that she has is being across the street is being next to a church already that's closed during the day. Now directly across the street will be another fail for me because no one is going to want to come shop at her store if there's nothing else to shop at.

Mr. Ryan Weber – The Golden Fleece 132 West Loockerman Street Dover DE 19904

Ms. Weber stated that he has a problem with this Conditional Use. They are the business owners; they are the ones who lay their heads down. They think of how to better their business, how to get more customers Downtown or how they will pay for the kids to go to college. Nothing against the church but a church can go two (2) blocks in any direction that a business slot can't. There are lots of churches Downtown within a four (4) block area. If you have ever been on vacation and gone to a small town no matter what country, city or state you are not seeing storefront churches, office buildings or lawyer's offices. You are seeing retail. Retail feeds retail hence why malls and other places spend billions of dollars a year on marketing to try figuring out customers. There is no church, office or lawyer in a mall. We need to stick to retail. He knows he was here last time when this was done for the Loockerman Exchange building and this is getting on a dangerous slope for him as a property owner of three (3) properties. He hopes that everyone here understands that the voices that are speaking today are the property and business owners; they are the ones that lay their heads down.

Mrs. Jennifer Mabus – Bayard Pharmacy 200 West Loockerman Street Dover DE 19904

Mrs. Mabus stated that she and her husband opened Bayard Pharmacy about two (2) years ago so their business is within the two hundred (200) feet. Now that the grant was awarded to Downtown Dover they have more potential than ever to really revitalize and pull businesses Downtown into the storefronts which would be retail or dining. They have all worked so hard since the parking debacle that happened last year. They have become this huge family and have so many hopes and dreams for Downtown. Again, now that this grant has happened they feel more positive than ever that they can get the image that they want and that's a destination place that people will drive up from

Milford, DE to come hang out Downtown. She doesn't think that a church in a storefront would help that.

Mrs. Lauren Tinsley – A Center for Mental Wellness 121 West Loockerman Street Dover DE 19904

Mrs. Tinsley stated that she is the Co-Chair of the Downtown Dover Merchant's Committee along with Mr. Llewelyn and agrees with everything that everyone else has said. While a lot of the people here are business owners, she and her sister who owns Bel Boutique have been very fitted and passionate about staying in Downtown Dover along with their father who actually purchased the buildings they own and also spent a lot of money and effort in to doing what the rest of us are hoping continues to happen Downtown which is really invested in renovating these buildings and bringing them back up to Code. They get comments all the time about how great their buildings are and they keep encouraging other people to do the same thing. One thing that she knows is happening is her sister is trying to take advantage of the program through Governor Markell and at the same time she has scheduled a meeting with Mrs. Townshend. There are a lot of business owners who are currently located Downtown who are committed to staying down there. There are a lot of things she is worried about is while she is waiting for her meeting with Mrs. Townshend. She is searching through the properties that are available in Downtown Dover to see what's a good fit for the expansion that they want to do because she doesn't want to go outside of Downtown Dover. She is very committed to being down here. Some of the different options that are available because this is such prime location for different types of retail establishments or different types of businesses that some of them own while they are targeting bringing different stores from Milford, DE or different places to expand. She is just getting concerned that little by little they might now have those spaces to offer at these prime locations that other people would love to try applying for this incentive money while they have this year to really take advantage and try to recruit people in. It has only been a week or two since it's been announced so they have a lot of recruiting to do but they are trying to entice people to come who really want to renovate and want to do a lot to improve Downtown Dover so that they can bring in more businesses.

Mr. Randy Jones – unknown address

Mr. Jones stated that he is not just from Sussex County or Kent County, he is an American. In listening to what everybody is saying concerning a church and everybody is entitled to their own opinion but he does believe if Walk in the Light Ministries comes to that area they will bring the blessings of God. The blessings of God will filtrate all the businesses that are there. You never know whenever the Davis' or an outing, somebody might patronize the people's businesses that are already there.

Mrs. Diana Welch – The Golden Fleece 132 West Loockerman Street Dover DE 19904

Mrs. Welch stated that she owns the Golden Fleece Tavern. She really has no particular problem with a church or a store. It's just how does it on an ethical or a moral level make sense? Also, why will the tenant at this location need a shunt trip switch? Responding to Mrs. Welch, Pastor Davis stated that the Fire Marshal is requiring a shunt trip switch in case they are having services and there's a fire alarm so people could hear the fire alarm.

Mrs. Welch questioned how loud they were going to be? Responding to Mrs. Welch, Pastor Davis stated that right now they don't have instruments but they plan on having instruments.

Mrs. Welch stated that they have the farmer's market going on now that filters people around. What will happen is those people that have places to go like Bell, Book & Candle, Bel Boutique and all the little shops, then they round the corner and there's just a empty store and that's a problem. She thinks that it's already been mentioned that malls don't have churches for a reason; it's a commercial center. She is a licensed real estate agent and she would be glad to help them find a location that would be ideal for them. But it's not about the church or not wanting somebody there it's about what they do want at that location which is another open six (6) days a week retail business that feeds other businesses. That won't happen on Wednesday evenings and Sunday mornings. It will be empty five (5) days a week. They have many retail places that would love to go in that spot. She has been asked herself several times. If it doesn't get rented by a church it will not remain unoccupied or unavailable.

Mr. Theo Morgan – Computers Fixed Today 131 West Loockerman Street Dover DE 19904

Mr. Morgan stated that he owns Computer Fixed Today located at 131 W Loockerman Street. The reason he is here tonight is to hear what everyone has to say. He does have some highly technical operations and he kind of wanted to get an idea because the church that's currently there across the street, on Wednesday evenings you can hear them at his location. He would like to know whether or not they would be having services during the week. His business hours are from 10:00 AM to 7:00 PM. As far as he is concerned, he needs the peace and quiet to really concentrate on what he is doing in there because there is a lot at stake. He wants to make sure that whatever is going on in the church is not going to interrupt what he has going on at his business.

Pastor Davis questioned if he has said 7:00 PM? Responding to Mr. Davis, Mr. Morgan stated yes.

Pastor Davis stated that the only thing that they have during the week at 7:00 PM is Wednesday night prayer and Bible study. There would be no instrument or acapella singing; it's strictly going to be prayer and bible study.

Mr. Morgan stated secondly, since there is a Conditional Use permit on the floor that does have a parking consideration. He would like to see if Council would be open to designating some additional parking in order to accommodate them regardless if there are fifty-five (55) spaces that are available for use when businesses are not in prime time. As this gentleman continues to grow if this Conditional Use is approved, he can absolutely see no reason on this earth why that ministry wouldn't have additional teachings during the prime time hours. There are tons of grants that are available to a non-profit organization such as the one that is being presented to the Committee. It's inevitably going to create a parking consideration. He doesn't know what the scope of the Condition Use is but what he can see happening because Pastor Davis is a very smart military minded man who knows how to get stuff done. He is going to grow his ministry and what he can also see happening is it's also going to grow the considerations of the citizens that are currently there and they are already depleted. They only have a total of ten (10) two hour spots that are allocated to the businesses on the Loockerman, Governors and Minor Street area that can be available for any one of those seven (7) businesses at any given time. All of these business owners present tonight are doing pretty well. It's just a consideration that really needs to be put into focus.

Mr. Michael Schott – unknown address

Mr. Schott stated that he has been a customer Downtown for going on thirty (30) years. Parking has always been fun Downtown. He says that he is going to be open at 7:00 PM on Friday's and

Sunday's during the day. There are businesses that are open and he frequents one right around the corner that's open until midnight on Friday's. They have twenty to thirty (20-30) people there. They have ten to fifteen (10-15) who show up on Sunday's from 1:00 PM to 6:00 PM or noon to 7:00 PM. Plus there is also The Golden Fleece and Irish Mike's that are open at 4:00 PM on Sunday's and they are open on Friday nights. Parking is going to be an issue. His other concern is having an empty storefront. They are working hard to get them done. Going around the corner to the bakery, the tattoo parlor or dress shops across the street with friends, he doesn't want to see people not going around the corner because they are having music and stuff on a Friday night and they don't want to deal with it. It's just a lot of minor stuff but it makes a difference because it's all about retail and growing Downtown into a place where everybody wants to come.

Mrs. Townshend stated that there was a very conscious discussion made by the City. There has been plenty of deliberation on this over the years but there was a very conscious decision made to not require parking for Downtown businesses especially in existing buildings where there's nowhere on the site to provide parking. Parking long term is an issue but they have talked a lot about parking over the last year and she would say that if you go to the parking lots now, they are very rarely full. She thinks the parking crisis is more something to come when they get a few more vibrant businesses. The time frames that they have has zero complaints on parking; this has been evenings and weekends when you have not only the lots that are permit lots during the week but you also have the State complex, the Library, the City parking lot that are all empty. Again, there was a very deliberate decision made in drafting the *Zoning Ordinance* in recent months to not require parking Downtown. As a matter of fact, there was previously parking required for new construction and even that was taken out. They need to deal with the parking issue, no doubt, but that has been tasked to the Parking Committee of the Downtown Dover Partnership to deal with not only the parking permits and the metered parking for the current day but to plan for how we get to the next level. There is a lot of work to been done but they have specifically not tied it to any specific application, especially occupying an existing space.

Mr. Tolbert closed the public hearing.

Mr. Holt questioned how long has 149 South Governors Avenue been empty? Responding to Mr. Holt, Mrs. Townshend stated that Ms. Owens who just purchased the building across the street had an active business in there until this past fall.

Ms. Owens stated that she broke her lease at one year and five months because she purchased the building directly across the street. During the thirty (30) day process of breaking her lease, she let people come in to check out the building because she was excited to have other people come into Dover. There were plenty of interested people but she is not the landlord so that had nothing to do with her but she helped out the Downtown Dover Partnership, It was a very popular and it was retail ready. It's a beautiful place. There is nothing that needs to be done. It had everything from the bathroom to the central air to the floor to painting. Someone could open up shop tomorrow.

Mr. Holt further questioned if it stays as it is now, is there a good likelihood it would find a tenant? Responding to Mr. Holt, Ms. Owens stated yes, 100%. It's not only a great price but it's a great spot. She searched for eight (8) months and when she found it she signed immediately. She only had to do minor things to it and she left it pristine when she left because she wanted to make sure that there was no issues for her but also for the next person who came in. It was retail ready and they

wouldn't have to tear down anything that she had put up. She doesn't have a doubt that there will be plenty of people interested.

Mr. Cregar questioned if they open a church at this location, what is the law if someone wants to open a restaurant? How close can they be? Responding to Mr. Cregar, Mrs. Townshend stated that the City's Ordinance does not address it.

Mrs. Welch stated that it's not a City Ordinance, it's a State law. Anytime that you open up a new bar or restaurant, anything that serves alcohol or anything that changes how you serve alcohol. For example when she opened a patio, she changed how she was serving alcohol and everything needed to be re-applied for. In her particular case, she had to send letters out to people located within a two hundred fifty (250) feet space. At any given time if somebody that didn't like that she was adding a patio on and going to serve alcohol in a different way they could have shut her down. For an existing business that's a problem. For a new business that could be a problem too. The lady across the street that owns the Governors/Loockerman space has indicated that she wants to do a jazz club in there. She will have to apply for a liquor license and the churches will have an impact on her ability to do business if they didn't like her serving alcohol.

Mrs. Townshend stated that there wasn't anything explicit in the State statute or regulation it's more the notification and the opportunity for them to object.

Pastor Davis stated that not only a church but anybody could impact a business's ability to serve alcohol. Responding to Pastor Davis, Mrs. Welch stated that is true but they worry more about churches.

Pastor Davis stated that one thing about this ministry is that they are not trying to change anybody or change what they do. This is with respect to the property owners but also don't forget that Downtown Dover has a lot of foot transportation. There are a lot of people who walk to where they are going. He comes to work in Dover and sees people walking all the way to the bus stop just to catch a bus somewhere. Not only that, he sees harmony where they could be harmony and even better harmony where they could also accommodate people who say they can't walk to certain churches but they can walk to Pastor Davis' church. They are not trying to make people do anything different.

Mr. Holt stated that he gets the feeling that since Dover has this new grant and they are trying hard to bring Downtown back that they need to maybe give Dover a chance with this particular property as a retail outlet.

Mr. Holden stated that he applauds what Pastor Davis is trying to do and his efforts. He does share Mr. Holt's feeling. With a lot of the residents and businesses Downtown, he thinks that area has maybe not thrived recently but has survived well. He thinks the recent improvements that have happened Downtown due to a lot of the businesses. The grant opportunities and Governor Markell's efforts here recently improved those and he thinks that they really need to give first permitted uses a chance to thrive. He also hopes that his efforts and ministry finds a good place and thrives but he leans towards that this isn't the appropriate use for the property.

Mr. Tolbert stated that he has heard what has been stated regarding this application and he has heard a lot of comments about how it will impede business. What comes to his mind is that a church brings in people who will frequent and do business at these local businesses; they will bring in customers. That's the potential that a church may have. Seeing it as a hindrance depends on how you market your retail business to a great extent; as to whether you will attract these potentially new customers that will be coming in. You can put your marketing hats on and attract these new potential customers to your business.

Mr. Holden moved to deny C-15-02 Walk in the Light Church at 149 South Governors Avenue, seconded by Mr. Cregar and the motion to deny was approved by roll call vote 6-1 with Dr. Jones and Colonel Welsh absent. (Thus the conditional use of a place of assembly cannot be established.) Mr. Holt voting yes, to give Downtown Dover new businesses a chance to see if this Downtown Dover will succeed in their efforts that they have put into it so far and to leave this store as a retail outlet. Mr. Cregar voting yes, this is very difficult because he has lived Downtown for twenty-five (25) years. He has been a part of this community for sixty-three (63) years. He definitely supports what the applicant wants to do but he has seen Dover in different configurations and different evolutions and he does believe that we have a group of business people that are truly striving to bring back retail to this area which is very important and to try to come up with an appropriate mix in the Downtown area is a challenge. He believes that with the new opportunity with the grant, with this Downtown group that is thriving and is trying to do retail, he thinks they need to give it that opportunity. Mr. Holden voting yes, for all the reasons stated. He thinks they need to give Downtown Dover every opportunity to thrive and there may be a point in time where other Conditional Use plans may be more viable but he thinks that they need to keep all of those options open for Downtown Dover. Mr. Ambruso voting yes, for all reasons previously stated. Ms. Still voting yes, based on all previous comments. Mr. Baldwin voting yes, this is a very difficult decision because they all realize that everybody needs some kind of divine guidance but yet you have to look at the fact that this is a business community and they have to give every effort to fill that space with a business that will be productive. Mr. Tolbert voting no, for the reasons he previously stated. He sees the church as an entity that will bring a number of people into the area and those people are potential customers. The retail businesses in Dover need all of the customers they can get from anywhere they can get them. The church is just one entity that will bring in people and these people just walking through will see the other businesses. In his view they will come in and do business so he doesn't see it as a distraction or a hindrance; he sees it as a plus.

NEW BUSINESS

1) S-15-01 Lands at 598 North DuPont Highway: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing as associated with the Administrative Site Plan for the site improvements to include 683 SF ± of new impervious surface for parking. The property is zoned C-1A (Limited Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and it is adjacent to Silver Lake. The site is located on the west side of DuPont Highway south of Lepore Road. Property Owner: Faithwork, LLC. Property Address: 598 North DuPont Highway. Tax Parcel: ED05-068.09-01-18.00-000. Council District 3.

Mrs. Townshend stated that this is a curbing waiver request that is for something that is an Administrative Site Plan and unfortunately for items that are Administrative Site Plans the *Zoning Ordinance* does not give Staff the authority to issue a curbing waiver. It still needs to be done by the

Planning Commission. What they are looking at is the conversion of a residential property to a real estate office at 598 North DuPont Highway. The use is permitted. The improvements are minor so it's all able to be handled administratively; however, there's a current driveway and current parking configuration and the *Zoning Ordinance* requires the six (6) inch upright curbing surrounding all parking areas. They will be adding a slight bit of asphalt. So since they will not be looking to install upright curbing it does require a waiver from the Planning Commission. There is a memo in the packet and in addition there is a letter from the Realtor who will be overseeing the office.

Mr. Cregar moved to approve S-15-01 Lands at 598 North DuPont Highway to eliminate the upright curbing requirement, seconded by Ms. Still and the motion was unanimously carried 7-0 with Dr. Jones and Colonel Welsh absent.

2) S-14-01 NBR Properties at 850 New Burton Road: Plan Revision – Information on Revision of the Site Development Plan approved by the Planning Commission on February 18, 2014 for the construction of a 20,000 S.F. office building with the associated site improvements on a 1.671 acre parcel. The property is zoned C-1A (Limited Commercial Zone). The property is located southwest of the intersection of New Burton Road/Queen Street and West Street. The owner of record is NBR Properties, LLC. Property Address: 850 New Burton Road. Tax Parcel: ED-05-076.00-01-23.00-000. Council District 2. *Final Site Plan approval was granted on November 24, 2014 and construction has commenced under Building Permit #14-1435.*

Mrs. Townshend stated that this item does not require any action by the Planning Commission. It is an informational item. When the Site Development Plan S-14-01 at 850 New Burton Road came to the Planning Commission the Site Plan included a drive aisle between the building and New Burton Road. At the time that was designed it was because they were working with a medical office that would have required that additional fire lane coverage and since that point in time they are now working with non-medical clients to lease the building. They eliminated that drive aisle which converts that area that would be asphalt to landscaping. Staff approved it administratively but since it was something different than the Commission saw, they thought they should bring it back to the Commission to make them aware of it.

Mr. Cregar questioned if it changed the Landscape Plan? Responding to Mr. Cregar, Mrs. Townshend stated no, not at all.

Meeting adjourned at 8:55 PM

Sincerely,

Kristen Mullaney
Secretary