CITY OF DOVER PLANNING COMMISSION
August 19, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 19, 2013 at 7:00 PM with Chairman Colonel Welsh presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Tolbert, Mr. Holt, Mr. Baldwin, Ms. Still and Colonel Welsh. Dr. Jones and Mr. Ambruso were absent. (Mr. Ambruso arrived at 7:05pm)

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, Mr. Koenig, Mrs. Harvey and Mrs. Mullaney. Also present were Mr. Thomas Kramedas, Mr. John Link, Mr. Garth Jones, Mr. Russell Huxtable, Mr. Tom Ayd, Mr. Jonathan Street, Mr. Lou Colon, Mr. Chuks Nwadgbo, Mr. Augustine Eyekpimi, Ms. Phyllis Bordley, Ms. Karen Brewington, Mr. Don DeShiell and Mr. Troy Adams. Also speaking from the public were Ms. Margot Brennan, Mrs. Judy Hayes, Colonel Thomas Dix, Mr. Stan Trier, Ms. Marie Cannon, Ms. Yvonne Scott, Ms. Diane Houlihan, Ms. Makiea, Ms. Ashley Thompson, Mr. George Dunning, Mr. Kwanza Cartwright, Mr. Sandy Meckler, Mr. Kevin Robinson, Mrs. Theo Braunskill, Mr. Arnold Braunskill and Mr. Ricky Hardy.

APPROVAL OF AGENDA

Colonel Welsh stated that in making a motion to approve the agenda, he would like to move the appointment of the Architectural Review Oversight Subcommittee of Planning Commission to the last item of business.

Mr. Baldwin moved to approve the revised agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Dr. Jones and Mr. Ambruso absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 15, 2013

Mr. Tolbert moved to approve the Planning Commission minutes of July 15, 2013, seconded by Ms. Still and the motion was unanimously carried 7-0 with Dr. Jones and Mr. Ambruso absent.
(Mr. Ambruso arrived at meeting.)

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Quarterly Workshop is scheduled for Tuesday, August 20, 2013 at 4:00 PM in the City Hall Conference Room.

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, September 16, 2013 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on July 22, 2013 and August 12, 2013.

Mrs. Townshend stated that tonight would be Ms. Cornwell's last meeting with the Planning Commission. Ms. Cornwell will be going to work for the Kent County Planning Office. They wish her well and appreciate her years of service to the City of Dover.

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:
   a) S-11-11 Lands of Downtown Dover Partnership at 120 South Governors Avenue – Request for extension of the conditional approval granted on August 15, 2011 and September 19, 2011 by the Planning Commission for the Site Development Master Plan and Architectural Review Certificate (HI-11-04) for the construction of a four story 47,042 SF mixed-use building consisting of a retail component and 27 apartments, a four story 34,896 SF apartment building of 24 apartments with ground level parking in the building, and other associated site improvements on the property at 120 South Governors Avenue. The existing 16,783 SF commercial building on the property is proposed for demolition. The application also includes a Minor Subdivision Plan to divide the property into two lots. The property consists of 1.7653 acres ± and is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is Downtown Dover Partnership (formerly the Downtown Dover Development Corporation). Property Address: 120 South Governors Avenue. Tax Parcel: ED05-077.09-01-44.00-000. Council District 4.

Ms. Cornwell stated that the applicant is requesting an additional one year extension for the Site Development Master Plan and Architectural Review Certificate. The application was originally granted approval by the Planning Commission on September 19, 2011. The application was for a four story mixed use building and an additional four story apartment building located at 120 South Governors Avenue.

Mr. Holt moved to approve a one year extension for S-11-11 Lands of Downtown Dover Partnership at 120 South Governors Avenue, seconded by Ms. Still and the motion was unanimously carried 7-0 with Mr. Holden unable to vote due to his employer preparing the application and Dr. Jones absent.

2) Re-evaluation of Conditional Use Applications:
   a) C-12-05 Transitional Housing for Dover Interfaith Mission for Housing, Inc at 319 West Water Street – Re-evaluation of a Conditional Use Plan approved by Planning Commission on July 16, 2012 to allow for the establishment of a philanthropic use consisting of transitional housing in an existing single family residence. The parcel is zoned C-1A (Limited Commercial Zone) and is subject to SWPOZ (Source Water Protection Zone) Tier 3 – Excellent Recharge Area. The property is exempt from the requirements of the SWPOZ Tier 3 as the site is located within the Downtown Redevelopment Target Area. The property is located on the north side of West Water Street in the block between South Queen Street and South New Street. The owner of the property is Mockfaul, LLC and the lessee is Dover Interfaith Mission for Housing, Inc. Address: 319 West Water Street. Tax Parcel: ED05-077.09-03-05.00-000. Council District 2. *Re-evaluation of this Application will be postponed until August 19, 2013 meeting of the Commission to allow for completion of the property inspection and report of findings.*

Ms. Cornwell stated that the Planning Commission granted original conditional approval for the Conditional Use to allow for transitional housing located at 319 West Water Street on June 16, 2012. As part of the approval by the Planning Commission, they required a review due in July 2013 to ensure there was compliance with all building and life safety codes. That review was postponed until this meeting so the Annual Housing Inspection could be completed. The Annual Housing Inspection occurred on July 30, 2013 and there were no violations found. The Conditional Use has been finalized, that was finalized this afternoon. The property does have an active Rental Dwelling Permit.

Mr. Holt moved to approve C-12-05 Transitional Housing for Dover Interfaith Mission for Housing, Inc at 319 West Water Street, seconded by Mr. Tolbert and the motion was unanimously carried 8-0 with Dr. Jones absent.

b) C-11-03 Revised Governors Club Café at 144 Kings Highway – Re-evaluation of a Revised Conditional Use Site Development Plan approved by the Planning Commission on August 20, 2012 to permit the establishment of a café/sandwich shop (restaurant use) serving alcohol in a portion of the first floor of an existing building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located at the southernmost intersection of American Avenue and Kings Highway. The owner of record is Governors Club Professional Center, LLC and the lessee is Coffee Shop, LLC. Property Address: 144 Kings Highway SW. Tax Parcel: ED-05-077.05-04-40.00-000. Council District 2. *The Planning Commission previously granted approval of the café/sandwich shop (restaurant use) with the condition of no serving of alcohol in June 2011. The Revised request was considered and approved following amendments to the uses allowed in the RGO zoning district.*

Ms. Cornwell stated that the Planning Commission granted original conditional approval for the Conditional Use Plan on June 20, 2011 to allow for the operation of a restaurant located at 144 Kings Highway. Final Plan approval was granted on August 24, 2011. The property is zoned RGO (General Residence and Office Zone) which was amended back in 2012 to allow for the sale of alcohol within restaurants within that zoning district. On August 20, 2012, the Planning Commission reviewed the application again to allow for the service of alcohol as part of the operation of the restaurant. As part of that review, the Planning Commission asked that the application be re-evaluated at the August 2013 meeting. Staff notes that a Building Permit was issued for interior renovations in June 2013 and the final inspection for that renovation including a bar was completed June 13, 2013.

Mr. Holt questioned if there had been any complaints due to alcohol being served at this location? Responding to Mr. Holt, Mrs. Townshend stated that the City of Dover had not received any complaints.

Mr. Ambruso questioned if they would still be under the scrutiny of the City of Dover? Would they have to have another inspection next year as well? Responding to Mr. Ambruso, Mrs. Townshend stated that it would be depending on the action of the Planning Commission. At this point, the motion is to allow it to continue without the need to re-evaluate it. Again with any Conditional Uses, if there are problems it is brought back to the Planning Commission for re-evaluation.

Ms. Still moved to approve C-11-03 Revised Governors Club Café at 144 Kings Highway, seconded by Mr. Tolbert and the motion was unanimously carried 8-0 with Dr. Jones absent.

3) Consideration of Revised Application:
   a) S-11-08 Loockerman East: Lands of Hub Associates, LLC – Considerations of Revisions to the Architecture of the hotel building. The Site Plan for the redevelopment of four parcels of land (consolidated) shows the construction of a 92 room hotel, a 11,230 SF retail building and other associated site improvements (with the existing 17,200 SF TGI Friday's building to remain). The subject property is a total of 4.29 acres ± and is zoned C-4 (Highway Commercial Zone) and C-PO (Commercial/Professional Office Development District). The property is located at the southwest corner of South DuPont Highway and Loockerman Street. The owners of record are Hub Associates, LLC and A&G Kramedas Associates. Property Addresses: 514 East Loockerman Street, 516 East Loockerman Street, 554 East Loockerman Street and 222 South DuPont Highway. Tax Parcels: ED-05-77.06-01-62.00-000, ED05-077.06-01-63.00-000, ED05-077.06-01-64.00-000 and ED05-77.06-01-87.00-000. Council District 2. *The Planning Commission granted conditional approval of this Site Plan on May 16, 2011 and Final Plan approval was granted on July 19, 2013.*

Representative: Mr. Thomas Kramedas, A&G Kramedas Associates

Mrs. Townshend stated that what was shown on the board is the prototype that was submitted with the Planning Commission application that showed the hotel building on the site to be EFIS with brick. It shows the brown areas to be brick with the exception of the tower. When the building plans were submitted with the Building Permit applications, the elevation showed EFIS and horizontal siding in a cement fiberboard finish. Staff determined that it was not what the Planning Commission had seen and discussed it with the applicant. Located in the packet from the applicant is a request for approval of the tower feature to have a brick finish and the remainder of the building to have EFIS and cement fiberboard horizontal siding. The prototype does not call for any brick. The applicant has worked with the chain to accept the brick tower. He has also indicated and submitted some elevations that show that they are going to be putting brick on the commercial building and also adding brick to the existing building that houses TGI Friday's.

Mr. Holden recused himself from this application due to his employer preparing the application.

Mr. Tolbert questioned if this application was subject to the Architectural Review Committee comments? Responding to Mr. Tolbert, Mrs. Townshend stated this application did not go to the Architectural Review Committee. The architectural review was done by the Planning Commission with the original Site Plan approval. It is only reviewed by the Architectural Review Committee if the Planning Commission refers something to that body.

Mr. Cregar questioned if there were any problems with this from a Planning Office standpoint? Responding to Mr. Cregar, Mrs. Townshend stated from the Staff standpoint, she does not have any problems with it. Essentially, they kept some brick element in the building which was the request that she had when the changes came in. She knows that the Planning Commission has traditionally wanted to see brick at our gateway areas so they did keep some brick element in the building. It just changed from what is now seen as brown in the tower area.

Mr. Tolbert moved to approve S-11-08 Loockerman East: Lands of Hub Associates, LLC changes as submitted, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden recused due to his employer preparing the application and Dr. Jones absent.

NEW DEVELOPMENT APPLICATIONS

1) SB-13-04 Lands of John & Dorothea Link and Bradley Holden at 186-188 Pennsylvania Avenue: Minor Subdivision Plan – Public Hearing and Review of a Minor Subdivision to allow for the creation of two (2) parcels of land. The subdivision would create a 4,831 ± SF parcel of land and a 3,868 ± SF parcel of land. There is currently an existing duplex on the one parcel of land. The subdivision will divide the parcel placing each unit of the duplex onto a separate parcel of land. The property is zoned RG-1 (General Residence Zone). The property is located on the west side of Pennsylvania Avenue north of Delaware Avenue. The owners of record are John & Dorothea Link and Bradley Holden. Addresses: 186-188 Pennsylvania Avenue. Tax Parcels: ED-05-077.05-02-03.00-000 and ED-05-077.05-02-03.01-000. *The Board of Adjustment approved variances for this site at their meeting on June 19, 2013 (Application V-13-08). Due to inadequate public notice consideration of this application was postponed at the Planning Commission Meeting of July 15, 2013.*

Mr. Holden recused himself from this application. His brother is the owner of record for this project.

Mrs. Harvey stated that the Site Plan application is the review of a Minor Subdivision Plan to create two (2) parcels from the existing parcel located at 186-188 Pennsylvania Avenue on the west side of Pennsylvania Avenue and north of Delaware Avenue owned by John & Dorothea Link and Bradley Holden. The property is zoned RG-1 (General Residence Zone). The parcel currently is a duplex building of two (2) dwelling units located on the parcel with a separate entrance on the front elevation. The existing situation of two (2) dwellings on one lot is considered legal non-conforming. The proposed subdivision is to create a separate lot of each dwelling by dividing it along the party wall of the building. The Board of Adjustment granted variance for application V-13-08 on June 19, 2013 for the lot widths of forty (40) feet and thirty-two and a half (32.5) feet. The side yard setbacks to eight (8) feet and four (4) feet and variance from the lot size of 5,000 SF to 4,831 SF and 3,868 SF.

Ms. Still questioned if the garage shown on the plan was a single garage or a two car garage? Responding to Ms. Still, Mr. Link stated that it was a two car garage that was split down the center.

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

Ms. Still moved to approve SB-13-04 Lands of John & Dorothea Link and Bradley Holden at 186-188 Pennsylvania Avenue: Minor Subdivision Plan, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden recused due to his brother being the owner of record and Dr. Jones absent.

2) Z-13-01 Lands of KW Lands at 1570 North DuPont Highway: Rezoning from RC and C-4 with SWPOZ to IO with SWPOZ - Public Hearing and Review for Recommendation to City Council on a rezoning application for a 12.6127 acre ± parcel. The property is zoned RC (Recreational and

Commercial Zone), C-4 (Highway Commercial Zone) and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The proposed zoning is IO (Institutional and Office Zone) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the west side of North DuPont Highway and east of Crawford Carroll Avenue and north of but not adjacent to Rustic Lane. The owner of record is KW Lands and lessee is Delaware State University. Address: 1570 North DuPont Highway. Tax Parcel: ED-05-057.00-01-05.00-000. Council District 4. Ordinance #2013-12. *This property was the subject of a Minor Subdivision Plan Application SB-13-03 to subdivide the parcel into three parcels of land and right-of-way areas granted conditional approval by the Planning Commission on July 15, 2013.*

Representatives: Mr. Thomas Kramedas, KW Lands; Mr. Garth Jones, Becker Morgan Group

Mr. Holden recused himself from this application. His employer was the engineer of record on this project.

Mrs. Townshend stated that this application is for a rezoning of the property known as the Sheraton property. The property does consist of the Sheraton Hotel, Hampton Inn and a vacant lot south of the Hampton Inn. The Sheraton property is zoned RC (Recreational and Commercial Zone). Hampton Inn and the vacant lot south of Hampton Inn is zoned C-4 (Highway Commercial Zone). A portion of the property along the west side is subject to the SWPOZ (Source Water Protection Overlay Zone). The applicant is requesting a rezoning from RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone) to IO (Institutional and Office Zone). The property would still be subject to the SWPOZ (Source Water Protection Overlay Zone). During the July 2013 Planning Commission meeting this property came to the Commission for a Minor Subdivision. Currently, it is one large property that is "L" shaped due to the Minor Subdivision not yet being recorded.

Mrs. Townshend stated that in terms of the rezoning application, Staff reviewed was based on three (3) lots and looked to determine what, if any non-conformities would be created by the rezoning. In terms of floor area ratio, there are no non-conformities. The one non-conformity that was identified is that the lot coverage of the piece of land referred to as the Sheraton property, closest to the highway would be at 89% lot coverage. There is a 85% maximum lot coverage for this property. This is an existing condition, the applicant would not be required to change this condition. She did want to point it out for the record. The other piece that was identified is that in the IO (Institutional and Office Zone), parking cannot be located between the principal building and the roadway. Obviously that is a non-conforming situation that would continue with the IO (Institutional and Office Zone) zoning.

Mrs. Townshend stated that Staff looked at the surrounding properties and there is primarily C-4 (Highway Commercial Zone) surrounding the property but again there is IO (Institutional and Office Zone) property in the vicinity, both at Delaware State University and the State of Delaware Police; this would not be an isolated area of IO (Institutional and Office Zone) zoning. This zoning request is tied to the Sheraton's conversion to a use for Delaware State University. Essentially, the Delaware State University uses are not permitted in the RC (Recreational and Commercial Zone) which is the reason for the rezoning request. Staff has worked with the applicant to allow the move

in of students on an interim basis while the rezoning goes forward; however, if the rezoning is not successful then the property would have to be reverted to its prior use or another conforming use.

Mr. Jones stated that they accept all DAC comments.

Mr. Cregar questioned if the property is rezoned and then wants to go back to a hotel, would the applicant have to come back before the Planning Commission as a Conditional Use in the IO district? Responding to Mr. Cregar, Mrs. Townshend stated yes. The Hampton Inn would be remaining a hotel and that's fine as long as it does not expand. If the Hampton Inn expands then it would have to come back for Conditional Use.

Colonel Welsh stated that he was concerned about the movement of the students from the Sheraton Hotel to Delaware State University. He questioned how Delaware State University planned to do so in a safe manner? Responding to Colonel Welsh, Mr. Kramedas stated that he did not want to speak for Delaware State University but they will have a van and a shuttle to transport students back and forth and the students could also walk.

Mrs. Townshend stated that the Dover Kent County MPO has done a sidewalk estimate to determine the cost of installing sidewalks and there is movement to try and get funds in place to add the sidewalk. Again, in the advisory comments Staff has recommended that this would be an opportunity to explore the Crawford Carroll Avenue connection and how we can get both vehicle and other modes of transportation through that western piece of property so that they are not putting all traffic out on Route 13.

Colonel Welsh further stated that this was his biggest concern. If you look at where the students have to walk from the existing Sheraton Hotel; they have to cross the C F Schwartz parking lot, Lowe's parking lot, Chick-Fil-A parking lot, the hotel parking lot, HH Gregg and CompUSA parking lots before they get to the campus. That is a lot of entrances and exits that he is really concerned about. In looking at the aerial view of this area, it looks like there is room for an extension of Crawford Carroll Avenue to tie into the north end of Delaware State University. He would hope that they at least look at installing a bike path and a pedestrian sidewalk in that area because putting students out on the border of Route 13 is not the thing to do.

Mr. Cregar questioned one of the advisory comments. There is a comment about the Planning Office encouraging Delaware State University to work with the City Manager's Office and the Tax Assessment Office to develop a payment in lieu of taxes agreement. Has this been discussed at all? Responding to Mr. Cregar, Mr. Koenig stated that it has not been discussed in public session at this point. His understanding is that there is lease period of one or two years so we have some time to work out a potential PILOT with Delaware State University if they were to purchase the property. But we would tend to purse that type of agreement if the land is to transfer.

Mr. Cregar further questioned if the City of Dover has arrangements with other property owners? Responding to Mr. Cregar, Mr. Koenig stated that there is a PILOT payment from the State of Delaware related to their building values in the City. There is also a PILOT payment that is made by Luther Towers. The discussion about expanding the statewide program for PILOT payments included in the draft legislation this past year the values of Delaware State University which are

currently excluded. So the PILOT program is an instrument that the City of Dover intends to pursue in the future to compensate for things like public safety.

Colonel Welsh asked Mrs. Townshend to explain to the audience what the PILOT program is.

Mrs. Townshend stated that for the record, PILOT is an acronym for payment in lieu of taxes. The idea is that tax exempt entities make a contribution to the City of Dover in lieu of taxes. Currently, there is no payment in lieu of taxes with Delaware State University. So if we are looking at expanding the land area that would be an opportunity to discuss that happening.

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

Mr. Ambruso moved to recommend approval to the City Council on Z-13-01 Lands of KW Lands at 1570 North DuPont Highway: Rezoning from RC and C-4 with SWPOZ to IO with SWPOZ, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden recused and Dr. Jones absent.

3) Z-13-02 Lands of Walker Woods Properties, LLC and Milford Housing Development Corporation at Walker Woods: Rezoning form RG-3 and ROS to RG-2 – Public Hearing and Review for Recommendation to City Council on a rezoning application for multiple parcels of land (71 townhouse units) consisting of a total of 9.0722 acres including existing right-of-way area. The properties are currently zoned RG-3 (Group Housing Zone) and ROS (Recreational and Open Space Zone). The proposed zoning classification is RG-2 (General Residence Zone). The properties known as Walker Woods are situated on the north side of Walker Road adjoining Harmony Lane. The owners of record are Walker Woods Properties, LLC and Milford Housing Development Corporation. Addresses: 1357-1383 Walker Road and multiple addresses on Harmony Lane. Tax Parcels: multiple parcels on map ED-05-067.18-01 (See reference list.) Council District 4. Ordinance #2013-13.

Representatives: Mr. Russell Huxtable, Milford Housing Development Corporation; Mr. Tom Ayd, Green Street Housing

Mrs. Harvey stated that the rezoning application consists of multiple parcels of land located on the north side of Walker Road adjoining Harmony Lane known as Walker Woods. The subject property consists of fifty two (52) multi-family townhouses in Walker Woods and nineteen (19) multi-family townhouses in Walker Woods Phase 2 for a total of seventy-one (71) townhouses on the property. The properties are currently zoned RG-3 (Group Housing Zone) and ROS (Recreational and Open Space Zone). The proposed zoning classification is RG-2 (General Residence Zone). The owners of the property are Walker Woods Properties, LLC and Milford Housing Development Corporation. In the *2008 Comprehensive Plan*, the Land Development Plan Map 12-1 amended in March 2012, recommends that this property be used for high density residential uses. The rezoning request is consistent with the recommendations for land use classification for high residential uses.

Mr. Huxtable stated that they accepted the DAC comments.

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

Ms. Still moved to recommend approval to the City Council on Z-13-02 Lands of Walker Woods Properties, LLC and Milford Housing Development Corporation at Walker Woods: Rezoning from RG-3 and ROS to RG-2, seconded by Mr. Holden and the motion was unanimously carried 8-0 with Dr. Jones absent.

4) S-13-10 North Street Pocket Park at 301 South Governors Avenue – Public Hearing and Review of a Site Plan and Architectural Review Certification to allow for the construction of a park consisting of paving and landscape areas to be located at 301 South Governors Avenue. The property is zoned C-2 (Central Commercial Zone) and is subject to H (Historic District Zone). The property is located on the southeast corner of West North Street and South Governors Avenue. Tax Parcel: ED-05-077.09-04-36.00-000. Council District 4. *This application is associated with Application HI-13-5 which was reviewed at the Historic District Commission meeting of July 18, 2013.*

Representatives: Mr. Jonathan Street, Becker Morgan Group; Mr. Lou Colon, Downtown Dover Partnership

Mr. Holden recused himself. His employer prepared the application.

Mrs. Melson-Williams stated that this was a Site Plan application that is also here for Architectural Review Certification. The property at 301 South Governors Avenue is located in the City of Dover's H (Historic District Zone) and this application appeared in front of the Historic District Commission on July 18, 2013. The Historic District Commission, after conducting their own Public Hearing, did take action to recommend approval of the Architectural Review Certificate for the application subject to a series of conditions. Those conditions were outlined in their Recommendation Report which is one of the items the Planning Commission received for this meeting.

Mrs. Melson-Williams stated that the project itself is for the development of what is a vacant tract of land into a pocket park consisting of a series of paving improvements and landscaping improvements. The site was actually the previous location of a building dating to the mid 1800's. That building was demolished in the spring of 2011 after a series of actions that declared it Demolition by Neglect and a Dangerous Building. It was ultimately demolished by the City and then the City acquired the property through Sheriff Sale in the fall of 2012. The City's Parks and Recreation and Community Enhancement Committee have reviewed the proposal to establish a park in the area and City Council also approved a basic design concept for this tract of land to become a park.

Mrs. Melson-Williams stated that the project itself will make sidewalk improvements along both West North Street where needed and South Governors Avenue, installing a brick sidewalk network. On the parcel itself, there is a series of paving elements done in concrete and brick pavers as well as a landscaping component that is tucked in the southeast corner of the property that would include both trees and then lower level shrubs and plants. There is a proposal for a raised planter bed at the corner where West North Street and South Governors Avenue intersect that could be done in annuals and tulip bulbs. The park area also includes some other raised planting beds as the transition from the paved area to the landscaped area. The project proposes site furnishing in the format of light bollards for low level lighting and also a brick cube or pillar element in the flowerbed area. There is a graphic that shows some of the potential landscaping that would be enhanced as part of the park elements.

Mrs. Melson-Williams stated that as mentioned, it went through the Historic District Commission review. Pertaining to the *Zoning Ordinance*, there are some things that are typically looked at. There is not a parking requirement for this parcel as there is no building being constructed. It basically relies on what would be on-street parking and other municipal parking in the area. Likewise, there is not a bicycle parking requirement by code and they intend to provide two (2) trees that are required by the City of Dover Landscaping Ordinance. The Planning Office has provided a series of plan review comments that are part of the DAC Report. There are also a series of comments from other regulatory agency. These were placed on desks this evening because it was unclear if this information originally made it into the packets. Those include comments from the City of Dover Public Works Department, City of Dover Electric Department, DelDOT (because South Governors Avenue is a State maintained road) and the Kent Conservation District.

Mrs. Melson-Williams stated that she wanted to highlight some of the recommendations that the Planning Staff have made in regards to the application. Staff is suggesting that there be conditions of approval for the application. These comments are found on page 5 of the DAC Report. The first being that they make reference to the action and recommendation that the Historic District Commission took in regards to the Architectural Review Certification for the project and the comments related to that. The second item is that Planning Staff is recommending the addition of a bicycle parking rack on the property, seeing that this transportation mode could be utilized to access the site and that by providing a rack would hopefully avoid those impromptu chaining of bicycles to things such as street signs and trees. Staff is suggesting the post and loop style bollard that is utilized in some of the Downtown areas for bicycle parking. Planning Staff is also recommending the addition of benches for seating. While the park proposes a raised planter area that could be utilized for seating, they find that benches would be more appropriate for seating and could actually prevent the misuse of the raiser planter bed area edge. The fourth recommendation from the Planning Staff is the removal of the brick cube or pillar element as it does not seem to fit the character of the park. Staff also included an email that was received from Mr. Scott Koenig, City Manager since it is City owned property. His email reflects that in regards to the items of bike racks and benches, he sees no reason why not to include them at this point. Regarding the pillar, he has no objections to the placement of the pillar noting that in the future it could potentially be the place where a plaque was installed if the park were named. Mr. Koenig is present this evening if there is any additional questions for the property owner.

Mr. Cregar stated that the addition of a park is great but he has concerns about adding another piece of property that needs to be taken care of. He questioned the situation with being able to take care of this property since it would be owned by the City? He further stated that in looking at areas in the Downtown and other parks, there has been concern that some people have expressed about these areas sometimes not being taken care of. He questioned if this is going to present additional problems for the City to monitor and take care of? Responding to Mr. Cregar, Mr. Koenig stated that obviously when more land area is added it comes with more commitments for resources and maintenance. The City has been in a transition for the last year and a half. For example, grass mowing has progressed this year to privatization of some of our grass mowing operations. That privatization in the mowing area will likely continue into the future. However, with the dedication of the First State National Monument, the increased focus in the Downtown, construction of the new Dover Public Library, construction of the plaza area that the Downtown Dover Partnership owns there needs to be some refocused attention placed on maintenance of these types of facilities Downtown. As the City develops future budgets and the work plans for the Department of Public Works, those commitments are being taken into consideration and will be addressed. So yes, the

City will be maintaining it in the future. The Public Works Department has expressed those same concerns; that they are stretched. However, the City is going to adjust the manpower to meet the need.

Mr. Street stated that the Planning Staff has three (3) recommendations on the DAC Report. One of the recommendations is for a bicycle parking rack. Their argument as the designer architects and engineers of the project is that they just installed fifteen (15) bicycle parking spaces about one hundred twenty (120) feet away. The presentation board shows the two (2) bicycle parking racks a block away from the North Street project itself. This park is really meant to be more of a pass through park not as a destination. Loockerman Way itself was constructed as more of a destination park, somewhere where people can go to congregate or eat lunch. They are actually in the process of adding benches based on a request made by the City to the Loockerman Way Park itself. Loockerman Way was constructed, designed and built as more of a destination. This pocket park is meant to be more of a pass through park to pedestrians and more of a gateway to the North Street area. They would like the Planning Commission to not hold them to installing benches. As Mrs. Melson-Williams stated, the raised planters are designed for an ADA accessible standard bench height. That was their intentions with the park itself, for the raised planters to act as benches as to not install more structural benches. The last item is the brick pillar. The visual board shows the pillar that was constructed behind 22-24 West Loockerman Street. The pillar in the park was meant to be a place or canvas for the City to use for plaques and to also maintain some consistency down North Street. So when you enter North Street from the Governors Avenue area, you are met with this park on the right and a pillar. As you continue down North Street about three hundred (300) or four hundred (400) feet, you are met with another pillar similar in height and design to what was already seen in the park. Mr. Street asked that the Planning Commission consider not making these recommendations part of the approval tonight.

Colonel Welsh questioned just as a review if the applicant wanted to eliminate the bicycle parking rack, did not want to add additional benches and wanted to maintain the pillar? Responding to Colonel Welsh, Mr. Street stated yes, that was correct.

Mr. Colon stated that the Downtown Dover Partnership is really pleased with the design. He thinks putting a bench up against a curb is like putting a square peg in the ground. If the benches are to be placed, they would request that the Commission let them know where to place the benches.

Mr. Tolbert questioned if the Architectural Review Committee is requesting the bicycle rack and benches? Responding to Mr. Tolbert, Colonel Welsh stated that Staff is recommending the bicycle rack and benches.

Mrs. Melson-Williams stated that the Historic District Commission is recommending them as well.

Mr. Holt stated for clarity that this is really not going to be a park; it's going to be a pass through for pedestrians. Responding to Mr. Holt, Mr. Street stated that was correct.

Mr. Baldwin stated that Staff recommendations for the benches and bike rack answered his concerns.

Ms. Still questioned for clarification on the plan where the pillar was located on the plan? Responding to Ms. Still, Mrs. Melson-Williams stated that if she followed the series of trees, its right at the end of the trees. It's a slightly darker color of brown on the plan. It is right at the terminus of that flower bed.

Mr. Ambruso stated that he would be opposed to benches because he thinks that invites skateboarders. He pointed out that if sitting near the M&T Bank where the fountain used to be, people can watch the kids skateboard on the flat surfaces. He would be inclined to say no benches at all.

Colonel Welsh thinks that the wall would serve as a replacement for the benches. He on occasion goes to the University of Pennsylvania Hospital a couple times a year and across the street from the hospital they have a brick wall where people will buy food from street vendors and typically sit on the wall. There are some benches there but mostly the benches are empty. He thinks the brick wall is a great concept.

Mr. Koenig stated that the issue of whether this is a pass through park is a matter of prospective. Constitution Park was originally intended to be a pass through park but the whole intent of these improvements is to pull people Downtown. To have them stay, to have them enjoy the Downtown. If you go to places like Philadelphia, the National Harbor; all of these places have multiple benches all over the place. The City just recently went back through and added at considerable expense, benches to the Plaza that's owned by the Downtown Dover Partnership, for the fact that people wanted to sit down and enjoy whats going on at the Plaza. Personally, he is not sure that he sees a difference in the Plaza and this potential park for the City. One thing that was pointed out to him was that not everybody can sit on a wall because of back problems or other disabilities. From the Staff standpoint and the ownership standpoint, he thinks the Commission needs to give consideration to those items. This is an interesting dynamic in that the Downtown Dover Partnership is acting on behalf of the City as the user of state funds to improve this property. So in the end, the City is the owner of this property. The Plaza is owned by the Downtown Dover Partnership and if you can recall, the long term plan for the Plaza is to develop additional buildings; as many as three (3) that would modify a lot of the green area on the Plaza in the future. He thinks that having additional areas to sit in the Downtown area is not necessarily bad from his personal standpoint. He would encourage the Commission to act accordingly.

Mr. Cregar questioned the logic on moving the pillar? Responding to Mr. Cregar, Mrs. Melson-Williams stated that the Staff recommendation was that it did not really seem to fit the character of this park. It does not represent anything that was previously at this location. Staff was not even sure that people would equate seeing a pillar here and then seeing one a half a block away on what is a commercial private property. The one on that property at 22-24 West Loockerman Street that has been put forth as an example is actually the terminus of a fence line. Staff also thought that people probably could not stand in one location and see both pillars at the same time. Overall, in looking at the character of the park it was not clear to Staff that it really fit in this instance. The Historic District Commission did discuss it and basically in their recommendation they concluded that the pillar should be removed. Their discussion at the meeting noted that this park could be the potential location of a public art installation in the future. So there could be some opportunity for some type of element in the future in that area whether it is a sculpture or some type of installation that would necessitate a pillar. But at this point that has not been decided.

Colonel Welsh opened a public hearing.

Ms. Margo Brennan - 32 W Loockerman St Dover DE 19904

Ms. Brennan stated that she thinks it would be nice to have a park there. There is a bus stop there but no place to sit. She goes there from time to time and she does not like sitting on private property but she has done it. She thinks the park will make the corner look much nicer than what it does right now. She also thinks putting a bench or two (2) there would be nice. She let everyone know to stop being afraid of the homeless people. They will come, they will sit, they will get up and they will go. Everybody likes to sit, not just the homeless people. Homeless people are all over. Put the pocket park there, it will look really nice.

Mrs. Judy Hayes – 17 Freedom Dr Dover DE 19904

Mrs. Hayes stated that she did not plan to come here tonight to talk about this but this does concern her. She is concerned about the lack of activities available for pre-teens and teenagers to do. She wonders if they could name three (3) things that are acceptable in public for our kids to do here. The bowling alley closed in Dover. There are swings on Division Street along with a basketball court which is helpful. We have Silver Lake but the kids cannot swim there. There is Schutte Park which was progress, but it is a bit out of town. When people talk the about concern of kids skateboarding; kids are going to skateboard so give them a place to skateboard. She knows that this is not the place for skateboarding; however, just to take our teenagers and pre-teens and say that they are not going to skateboard just because people do not create a place for them to do it is wrong because they will obviously do it anyway. In the future, just keep that in mind. As a middle school counselor she can say that our kids are good kids. There are a lot of good kids but they have nowhere to be that is acceptable in our town. So they are run out of town or are put down for doing things that kids do, generally speaking. It seems to her that a couple of benches would be very helpful, whether they are for homeless people, aging people or moms with kids who would like to just sit down as they are passing through. Benches seem like a good idea to her but a skate park would seem like a really good to her.

Colonel Welsh closed the public hearing.

Mr. Tolbert questioned if the motion should include the Architectural Review Report also? Responding to Mr. Tolbert, Colonel Welsh stated yes, as well as the three (3) items that need to be specifically addressed too. That is the bicycle parking rack, the pillar and the benches.

Mr. Tolbert moved to approve S-13-10 North Street Pocket Park at 301 South Governors Avenue as submitted with the condition of the pillar being removed and the bicycle parking rack and benches being installed and the Architectural Review Certfiication, seconded by Mr. Holt and the motion carried by roll call vote 6-1 with Mr. Tolbert, Mr. Holt, Mr. Baldwin, Ms. Still, Mr. Ambruso and Colonel Welsh voting yes and with Mr. Cregar voting against, Mr. Holden recused due to his employer preparing the application and Dr. Jones absent.

5) C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street – Public Hearing and Review of Conditional Use Site Plan for the establishment of a church within the existing 2,030 SF building located at 896 South State Street. The property is zoned RGO (General Residence and Office Zone). The property is located on the west side of South State Street north of Wyoming Avenue. The owner of record is Basilio Bautista. Address: 896 South State Street. Tax Parcel: ED-05-077.17-03-53.00-000. Council District 2. *Waivers Requested: Elimination of Upright Curbing and Consideration of Combined Spaces Parking Provision*

Representatives: Mr. Chuks Nwadgbo; Mr. Augustine Eyekpimi, The Redeemed Christian Church of God Eagles' Wings Chapel

Mrs. Harvey stated that the Conditional Site Plan review is to make a church within an existing building. The property is zoned RGO (General Residence and Office Zone) and is located on the west side of South State Street and north of Wyoming Avenue. The owner of record is Mr. Basilio Bautista. The plan indicates that they will be fifty-one (51) seats for the place of worship, requiring thirteen (13) parking spaces per the *Zoning Ordinance* parking calculations for places of worship. There are two (2) other office buildings on-site that share parking with the proposed place of worship. The total parking spaces required for all three (3) buildings total twenty-eight (28) parking spaces. The square footage of the building that is proposing to be utilized as a place of worship meets the parking requirements of the *Zoning Ordinance* without the Conditional Use. Since the parking requirements have increased due to the proposed use of the building, the applicant is requesting a waiver for the consideration of the combined spaces parking provision since the hours of operation for the church will not have an affect on the hours of operation for the other two (2) businesses. A waiver was also requested for the elimination of upright curbing since the existing parking lot areas do not include curbing. Based on the total site area of 34,000 SF, twelve (12) trees will be required. Six (6) existing trees have been identified on the plan and an additional six (6) trees will need to be planted in accordance with the requirements of Article 5 Section 16.62 of the *Zoning Ordinance*.

Colonel Welsh asked the applicant if they had any comments or concerns and if they accepted the DAC comments and Staff recommendations? Responding to Colonel Welsh, Mr. Chuks Nwadgbo stated yes.

Mr. Cregar stated that the application talks about doing the parking in a combined way and the hours of operation will not interfere but yet in the applicant's letter they mention mid-week use of that building. Does that mean that there could be some possible interference for the parking area?

Colonel Welsh further questioned the applicant if the mid-week use of the building was in the evening, outside of normal business hours? Responding to Colonel Welsh, Mr. Chuks Nwadgbo stated yes.

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

Mr. Tolbert moved to approve C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street as submitted, along with the waiver for the elimination of upright curbing

and the waiver for consideration of combined spaces parking provision, seconded by Ms. Still and the motion was unanimously carried 8-0 with Dr. Jones absent.

6) C-13-06 Great Expectation Kinder Kollege: Large Family Day Care Home at 688 Independence Boulevard – Public Hearing and Review of a Conditional Use Site Plan to allow for the establishment of a Large Family Day Care Home within the existing single family residence. The property is zoned R-8 (One Family Residence Zone). The property is located on the west side of Independence Boulevard south of Walker Road. The owner is Karen Brewington. The lessee is Phyllis Bordley. Address: 688 Independence Boulevard. Tax Parcel: ED-05-067.18-02-05.00-000. Council District 1.

Representatives: Ms. Phyllis Bordley; Great Expectation Kinder Kollege; Ms. Karen Brewington, Owner of 688 Independence Boulevard Dover DE 19904

Ms. Harvey stated that the Conditional Use Site Plan is to permit a large family day care in an existing residence with no residential use at 688 Independence Boulevard to be known as Great Expectation Kinder Kollege Day Care. The property is zoned R-8 (One Family Residence Zone). The owner of record is Karen Brewington and the lessee is Phyllis Bordley. The project proposal for twelve (12) children and two (2) attendants will be classified as a large family day care by the *Zoning Ordinance*. Day care facilities also require licensing through the State of Delaware. The number of children permitted in the day care facility is determined by the State of Delaware along with the mandated child to attendant ratios. An outdoor play area has been identified on the plan in the rear yard and has been fenced in. Four (4) parking spaces are required for this use based on the parking requirements in the *Zoning Ordinance* for a large family day care. The applicant is proposing one (1) additional parking space in the garage for a total of five (5) spaces. Based on the total site area of 8,030 SF, three (3) trees will be required. The existing trees on the site meet the tree planting requirements for this use.

Colonel Welsh questioned if the applicant had any comments or questions and also if she agreed with all DAC comments and Staff recommendations? Responding to Colonel Welsh, Ms. Bordley stated that she agreed.

Ms. Bordley stated that her proposed plan will be a home day care not a day care center and she will only be allowed twelve (12) children. She wants to be able to provide care and education to twelve (12) children at one time. She is here to address the concerns from the community. She does not want to destroy or hurt the community in any way. All she is trying to do is provide care for families that need it in the community and for the business that is around that community. She does not foresee any issues due to the layout of the property and home in which the driveway is long and vehicles will be in the driveway. She only has five (5) families on her waiting list at this time that will utilize the facilities. The children will be there all day so once they are dropped off there will be no more traffic.

Colonel Welsh questioned if the five (5) families on the waiting list totaled twelve (12) children? Responding to Colonel Welsh, Ms. Bordley stated yes, these are families that have asked her to provide child care. She has a Master's Degree in Education as well as twenty-five (25) years of experience in child care. She has had a large family day care before and two (2) home day cares. The experience she does have, the love for children she does have, the care for a child's education she does have. Her main goal is for preschoolers, going into Kindergarten. The standards are very high and she has six (6) years of teaching in the education field. She wants to take the experience that she has and provide quality child care at a great cost.

Mr. Holden stated that he has driven by the property and looked at the Site Plan that was submitted. He has a concern about parking. The driveway does have some depth to it but it is going to be challenging if the first car in wants to get out while the other four (4) are there. He questioned if she had made any thoughts or considerations into amending the parking in front to allow for a little more ease of access and egress? Responding to Mr. Holden, Ms. Bordley stated she had not considered it only because of the depth of the driveway. When it comes to child care, most parents are looking for child care so they can go to work. So as they come in, they are going to leave. It should not be a bunch of cars all at one time. It is just them coming in, signing the children in and then leaving for work.

Mr. Holden further questioned if Ms. Bordley was comfortable with the arrangement and the available access for her potential customers to get in and out? Responding to Mr. Holden, Ms. Bordley stated yes from what she has looked at, it seems to work.

Colonel Welsh questioned if there were only going to be two (2) full time employees which means two (2) cars there parked for the day? Responding to Colonel Welsh, Mr. Bordley stated yes, they will be parked in the two (2) garage spaces.

Mr. Cregar stated that he had the same issue with parking. It is unclear on the Site Plan whether or not the size of the area would allow for that amount of parking.

Colonel Welsh questioned what the requirement was for parking in terms of size? Responding to Colonel Welsh, Mrs. Townshend stated that in terms of size, the spaces need to be nine (9) feet by eighteen (18) feet.

Mrs. Townshend questioned if Mrs. Harvey verified that the parking met the code? Responding to Mrs. Townshend, Mrs. Harvey stated yes.

Colonel Welsh stated that he thinks there is more than adequate parking. He thinks Mr. Cregar and Mr. Holden's concerns were the arrangement of the parking area.

He questioned if the driveway was two (2) cars wide? Responding to Colonel Welsh, Mr. Bordley stated yes.

Colonel Welsh further questioned if the employee's cars were going to be kept in the garage? Responding to Colonel Welsh, Mr. Bordley stated yes.

Mr. Tolbert questioned if the existing fencing was adequate enough to keep people out of the back yard? Is it adequate protection for the children when they are outside? What type of fencing is there? Responding to Mr. Tolbert, Ms. Bordley stated that the fence is wooden and it goes around the entire back yard. It will be upgraded also.

Mr. Tolbert further questioned if it would be adequate protection for the children? Responding to Mr. Tolbert, Ms. Bordley stated yes, in reference to licensing it has to meet requirements as well.

Mr. Holt questioned if lunch would be the only meal provided to the children? Responding to Mr. Holt, Ms. Bordley stated that she would be providing breakfast, lunch and a snack. Also, for those children who would be there after 5:00pm she would serve dinner as well.

Mr. Holt further questioned if she would be serving the meals out of the kitchen at this location? Responding to Mr. Holt, Ms. Bordley stated yes.

Mr. Baldwin questioned the planned hours of operation for the day care? Responding to Mr. Baldwin, Ms. Bordley stated at the moment her hours would be from 6:00am to 11:00pm. She has a few parents who work at Capitol Nursing Home that need child care. They work the 3:00pm to 11:00pm shift.

Ms. Still questioned if all of the children would need child care until 11:00pm? Responding to Ms. Still, Ms. Bordley stated no. She also needs to get approval from the State of Delaware Child Care Licensing. The Planning Commission is actually the first step in this process. Then she has to go through the Child Care Licensing Office. They for example, can say your plan is to stay open until 11:00pm but we will allow you to stay open until 6:00pm. Those stipulations are what she has to adhere by.

Ms. Still further questioned that it was not a definite that her business would be staying open until 11:00pm. Responding to Ms. Still, Mr. Bordley stated no not at this point in time. The Child Care Licensing Office sets the time for her to open and close her day care.

Ms. Still questioned that in that case, these parents would have to find other child care after 6:00pm? Responding to Ms. Still, Ms. Bordley stated yes, they would have to find additional child care. The typical time given by the Child Care Licensing Office is 6:00am to 6:00pm.

Colonel Welsh stated that the Planning Commission also has the authority to set hours as well.

Colonel Welsh open a public hearing.

Colonel Thomas Dix – 664 Independence Boulevard Dover DE 19904

Colonel Dix stated that there is a large group of people that he is representing for the community. He would request that the Commission find out how many people are against this project. In the application review summary for the proposed day care, look at Municipal Code Article 5 Section 14.12 which was not mentioned in the plan by the Planning Office. It states that the day care program shall be permitted to locate in any zoning district provided that the need has been demonstrated. That need has not been demonstrated. The community had a large day care on the edge of the community and it has moved 3/10 of a mile to Highway 5. He talked to the people at the YMCA and they tell him that they have a lot of space available and that's her idea. They have not been provided with any demonstration that there is a need for child care. He therefore asks the Planning Commission to disapprove the application for a Conditional Use Site Plan.

Colonel Dix further stated that Section 14.21 definition of day care facility. Any place other than occupied residence for a large family day care home is not permitted. He just found out that she plans to stay open until 11:00pm. That means that since the home is not occupied, they cannot sleep over. If there will be people there until 11:00pm, he thinks it is going to be occupied. That is not allowed according to Section 14.21. The application summary goes on to quote the State Licensing

requirements for large family home cares. Paragraphs 112 and 130 cannot be met. Paragraph 112 states that each child must have 35 SF exclusive the hallways, bathrooms, lockers, cribs, laundry room, furnace room and kitchen area. Paragraph 130 states that children must be cared for in ground level space. He does not think that can happen in this small house. So therefore, they ask DelaCare to review these requirements. The application summary goes on to quote that no physical hazard to children can be reasonably anticipated. The back deck is elevated two (2) feet off of the ground and is full of hazards for young children. The vertical wood pieces on the railing spaced 3 inches apart when they should be the approved 2 3/8 inches. The surface of the deck needs to be refinished. The deck area is anticipated for outdoor space. The deck is large and does not appear on the plot plan of the property. The western exit of the building leads to the deck. There is another western exit from the room that appears to be the family room that opens to the play area. They ask that the Planning Commission ask the appropriate City Department to review these items. The application summary goes on to quote a section of *Zoning Ordinance* Section 1.31 site layout in relation to access streets shall be such that both pedestrian and vehicular traffic to and from the people in connection, not to be hazardous or inconvenient or incongruent to said residential district.

Colonel Welsh pointed out that Colonel Dix was over his time limit and that he had a few more minutes to summarize.

Colonel Dix stated that the parking summary states that four (4) cars cannot be parked on a concrete driveway that's twenty (20) feet wide. Parking in the garage will block egress from the building. Parking too close to the garage door and/or house will block egress from the front door. The situation is so tight that a second car could not get into the garage if another car was parked in front of the other garage door. The limited parking situation will cause traffic flow problems. There is a safety island as you enter that is near this exit, which will lead to overflow. People are going to park on the street and across the street; the community does not want that. The building architecture, there is no door on the side of the building. The outdoor play area is not completely fenced in. The whole south side of the fence is missing. Looking at the Comprehensive Plan from 2003, it talks about C-1 ratings. They think hours of operation as 6:00am to 8:00pm as being beyond the limited hour of operations. 11:00pm is way beyond the limited hours of operation. Approval for conditional uses, since the proposed hours of operation for a large family day care exceed those of the limited hours of operation, they ask the Planning Commission to disapprove this application for a Conditional Site Plan.

Colonel Dix stated that the residents of Bicentennial Village do not want or need a major impact in their residential community. The house in question is not suited for a large family day care for all of the reasons stated above. Bicentennial Village has little need for a day care program since most of the residents do not have young children. They enjoy low density residential zoning of R-8 (One Family Residence Zone) without disruption from a single commercial enterprise. Therefore, they ask the Planning Commission to disapprove this application for a Conditional Use Site Plan to permit a large family day care at 688 Independence Boulevard.

Colonel Welsh asked for a show of hands for those in the audience that Colonel Dix represents? He also asked to only see the hands of the people who are residents of this community.

There were a total of twenty-eight (28) people represented by Colonel Dix.

Colonel Dix stated that he had agent signatures for nine (9) people as well.

Mrs. Judy Hayes – 17 Freedom Dr Dover DE 19904

Mrs. Hayes stated that she had a few concerns. She is concerned about noise, traffic and the kids and adults who walk from Liberty Court down to Redner's Market. Those sidewalks are used a lot. She is concerned about cars pulling in and out and creating a safety hazard. She is also concerned with having children on the second floor with only one stair case.

Mrs. Townshend stated that in terms of fire code, the application both through the DAC process and before a day care facility could open is reviewed by the Fire Marshal. The second floor will not be used as part of the day care and as a day care operation, the facility would be subject to annual inspections by the Fire Marshal. So compliance with all City Fire Codes will be required regardless of where the facility is located.

Ms. Marie Cannon – Unknown

Ms. Cannon stated that she is going to be a parent who needs day care. She believes that Ms. Bordley is an awesome person. Ms. Bordley has been doing this for over twenty-five (25) years. She has known Ms. Bordley for most of that time. Ms. Bordley actually watched her as a child as well. Ms. Bordley knows everything that she needs to do in order to make sure that everything is going to work out for the community. Ms. Bordley is a tutor as well as a teacher and a pastor. She is a very positive person and does not want to bring any harm to the neighborhood. She is going to make sure that the children get as much education as they need to meet the standards for school. Her child is going to Preschool and she is well over the expectations thanks to Ms. Bordley. She would love if the Planning Commission and everyone in the community would allow this day care.

Colonel Welsh questioned if Ms. Cannon lived in the community? Responding to Colonel Welsh, Ms. Cannon stated that she does not but there are two (2) parents who live in the community that plan to take their children to this day care facility.

Mr. Stan Trier – 39 Freedom Drive Dover DE 19904

Mr. Trier stated that he comes not to speak against the business itself. He thinks the endeavor is praise worthy and he wishes Ms. Bordley success. He does come to speak against the placement of the business. It is a commercial business inside Bicentennial Village which is a well-defined residential neighborhood. They are surrounded by commercial zones, for example Walker Road, Forrest Avenue and Saulsbury Road. This would be the first commercial business in the middle of Bicentennial Village. If you started at Walker Road and looked south on the right hand side, you would see a flow of green lawns from one end to the other. He is not sure how they are going to get the parking needs without putting some parking spaces on the front lawn. Then when you were look down the street there would be a commercial property breaking that up. It will affect the visual impact greatly.

Ms. Yvonne Scott – 712 Independence Boulevard Dover DE 19904

Ms. Scott stated that she has lived in Bicentennial Village for twenty-one (21) years. She is located on the corner of Independence Boulevard about four (4) doors away from the perspective day care. The house right next door to Ms. Bordley will be located had a day care about six (6) years ago. The traffic came in and out and the driveway which was not as large as the one that's being spoken of now. On Bicentennial Boulevard, she does know of a day care that is there now. She does not know the party that is trying to open this day care. She does not have anything against anyone trying to have free enterprise and have children. She does know people who have day cares in their homes. The other

things listed, she is sure will be taken care of by the people in charge of inspecting the property before the day care opens. For example, if there is enough spacing for cars and if the area is appropriate for that age group. If Ms. Bordley is taking in children up to the age of preschool, she cannot see any issue with dropping children off and leaving. Not everyone will show up at the same time. She pointed out that there is commercial on each side of Bicentennial Boulevard, all the way down to Saulsbury Road, up to Route 8 and on Walker Road. There are businesses within the community that have a day care and they have had one on the street next door to this address. She does not know if the other residents were aware of the day care but by her living next door to the property, she knew there was a day care there at one time. She feels if someone has the education to do this, then she does not see any problem with it.

Mrs. Diane Houlihan – 4 Liberty Drive Dover DE 19901

Mrs. Houlihan stated that she is located diagonal to the proposed day care. She is against placing a commercial use at this location. She has small children who ride their bikes on Independence Boulevard and adding any more traffic would definitely place their safety at further risk. People speed in that area as it is. She is also concerned that their neighborhood would become less desirable from a real estate perspective. She absolutely believes that their property values would decrease more than they already have. The hours of operation are way beyond normal business hours. They would certainly conflict with her children's bed time and her windows face that direction. The parking is also an issue. Not too long ago the property next door to this location had their mailbox hit by a car. There is not a lot of space in this area and placing more parked cars at this street will certainly have more of a safety concern and hazard for the community. They have done a petition and received signatures of people who are against placing the day care at this location.

Ms. Makiea - (no last name or address)

Ms. Makiea stated that she has known Ms. Bordley through our children for some years now. Ms. Bordley has actually been a very inspirational person throughout her life. She met Ms. Bordley at Sheppard's Place, the homeless shelter. After that whole scenario, she was able to volunteer at Sheppard's Place with Ms. Bordley as she taught children. She had to chance to watch how many people came back to Sheppard's Place to thank Ms. Bordley. One parent returned to thank her because their child was beyond the school standards to get into the low income program. That parent thanked Ms. Bordley because she was so focused on how to get a home that she could not teach her child. As she kept in touch with Ms. Bordley, she became a member of Ms. Bordley's church. For the last two (2) years, she had a summer camp. She watched Ms. Bordley work with the children and got to see how it became a passion not a job. There was no charge, she taught the children just because. She watched how Ms. Bordley put love into her teaching and gave her time, before and after hours just so the children could learn. She really feels that this day care would be beneficial to a lot of children. Ms. Bordley is an E-Cap teacher which is a low income program. Her students are four (4) and five (5) year olds who know how to write, spell, recognize letters and write their names. She has also asked Ms. Bordley to teach her niece who is four (4) years old. Her niece already knows how to write and spell her first and last name. This day care would be more of a benefit then harm to the community.

Ms. Ashley Thompson (no address)

Ms. Thompson stated that it seems everyone's issues have to do with the traffic issues and other code issues. She feels that if Ms. Bordley does get approved to have the day care, she will be able to meet

all standards. Anything that needs to be changed, Ms. Bordley will get it done. Like other people have said, Ms. Bordley is a great person. She is not here to harm the community. She loves kids.

Mr. George Dunning – 11 Freedom Drive Dover DE 19904

Mr. Dunning stated that it sounds like Ms. Bordley is a great person and he applauds her for doing what she is trying to do. However, he questioned if it is the Planning Commission's job to change the character of the community. He thinks it is the Planning Commission's job to protect the character of the community. They are a diverse community with blacks, whites, Hispanics, Asians, any kind of people that you can think of in this neighborhood. There are young kids and people who are retired. He did not know that Colonel Dix was speaking for him tonight; in fact he does not know him. He is up here to reiterate what he said and to also say that the community is what it is and it needs to stay what it is. Ms. Bordley can buy the vacant property 1,000 feet away on Walker Road which used to be a day care and put her day care there. It is a beautiful place and it is commercial. It is an ideal spot for a day care.

Mr. Kwanza Cartwright – 4422A Vernont Dr Dover DE 19901

Mr. Cartwright stated that he is speaking on behalf of Ms. Bordley. As everyone before him has stated, she is a very great person. She is the best he knows to open a day care in this area. He has seen the area of where Ms. Bordley wishes to place a day care. The property does have a fence around the area. She has placed the signs in the yard to give notice so everyone was knowledgeable of her proposal. When it comes to the children, he has seen superb handling with them. Ms. Bordley loves them to the bottom of her heart and treats them like they were her own. There is not a day that goes by that she does not think of everyone. Putting the day care in this community would be benefiting everyone. He has seen individuals in the crowd who are of older age who may have grandchildren they need a day care facility. He was one of the individuals who worked at her summer camp. She actually puts time and effort and takes her time with each of her students in order to make sure that they learn. He sees that the majority of the crowd is not in favor of the day care because of the increase in traffic. No matter where people go, there is going to be cars. No matter what day care that you look at, there is going to be cars in the area. No matter if the children are coming or going. Think about your own and if you would want a day care where your child would be loved and treated just like any other.

Colonel Dix submitted a list of agent signatures for nine (9) people of the community.

Colonel Welsh stated that there have been several people who have testified as to Ms. Bordley's character and he has no doubt in his mind that she is a wonderful lady but that is not what the Commission is here to consider. He knows that she is fully capable of educating kids and doing the right things but that is not the issue.

Mr. Sandy Meckler – 18 Liberty Drive Dover DE 19904

Mr. Meckler stated that he believes in the KISS principle, Keep it Simple and Stupid. He does not question Ms. Bordley's competence, dedication or intelligence but he thinks it is all about location. For example, do they want to put a lawn mower repair shop in the community? Do they want to put a beauty shop in there? It is commercial; it is a day care center. Traffic, seventeen (17) hour day; it just does not belong in a neighborhood where people look for peace and quiet to get away from the tribulations of life. It is their little sanctuary. It is a residential neighborhood and a commercial entity does not belong in a residential neighborhood.

Ms. Karen Brewington – 688 Independence Boulevard Dover DE 19904

Ms. Brewington stated just to reiterate a few facts; she thinks that they might have gotten lost from very beginning. One, this is not a day care center. We are talking about twelve (12) children at the maximum. From what she understands, there are only going to be five (5) families who are coming and going from this residence. They are not talking about creating an enormous amount of traffic, they are talking about maybe five (5) or six (6) cars coming and going during the business hours. As far as the day care being open until 11:00pm, Ms. Bordley has to get that approved. It is not set in stone. It will most likely only be during the normal working hours that most adults are at work. So it is possible that majority of the people who have jobs in the community probably will miss the traffic most of the time. She is usually gone at work a lot during the day. Also, she wants to address the concern about openings at the YMCA and similar places. She is a parent of four (4) children. She knows what it is like to pay for summer camp at $150 a week or to pay for child care at anywhere from $125 to $200 a week. That is expensive and in this economy a lot of families cannot afford that but they want good quality care for their children at a reasonable price at a place that they can trust. They trust this woman to take care of their children. But to the concern for traffic, it will be twelve (12) kids maximum. It is not a day care center it is going to be a home day care center. The environment is to provide a home like situation where kids can feel comfortable in a small group where they can get special attention in areas that they may need before they get to school. She understands that everyone is concerned with the location but again it is only twelve (12) children.

Colonel Welsh closed the public hearing.

Mr. Tolbert questioned the status of Ms. Bordley's license with the State of Delaware? Responding to Mr. Tolbert, Ms. Bordley stated that she does not have a license yet. She has to go through this process first.

Mr. Cregar questioned for clarification if this would not be a residential use anymore, but in a residential district with no one living at this residence? Responding to Mr. Cregar, Colonel Welsh stated that was correct. It would be a Conditional Use and as such, the Commission can establish requirements that can be reviewed at a later date. So it is always in their power to withdrawal the Conditional Use if this were not to work out.

Ms. Still questioned why Ms. Bordley chose this location? Responding to Ms. Still, Ms. Bordley stated that she had gone to other locations but she wanted the home affect. Anyone that has known her, they won't even know that she is there. The noise that will be heard during the day will be during outside time. She does not want a day care center; she wants a home day care.

Colonel Welsh questioned if the house was vacant at this time? Responding to Colonel Welsh, Ms. Brewington stated that it will be. She is in the process of moving stuff out.

Colonel Welsh further questioned if the home belonged to Ms. Brewington? Responding to Colonel Welsh, Ms. Bordley stated yes, this home belonged to Ms. Brewington.

Colonel Welsh questioned if Ms. Bordley would be leasing, renting or become part owner? Responding to Colonel Welsh, Ms. Bordley stated that she would be the leasing the property.

Colonel Welsh reminded the Commission members that if it was their pleasure to approve the use, it could be on a conditional basis and at the end of a year it could be reviewed. There is no requirement to open it for public hearing but he recommends that it be part of the motion so that a public hearing could be held again in one year. The community would have the opportunity if things do not work out to come back and address any issues with the Commission in order to withdrawal the conditional use.

Mr. Tolbert moved to approve C-13-06 Great Expectation Kinder Kollege: Large Family Day Care Home at 688 Independence Boulevard as submitted with the provision that the application return back to the Planning Commission for review of the status of operation within one year and to include a public hearing, along with operating hours being 6:00am to 6:00pm, seconded by Mr. Holt.

Mr. Ambruso stated that the codes are created to maintain and protect the integrity of each and everyone's property within the City of Dover. He finds that it is incumbent on them to see that their decisions are in keeping with the intention of the code. We all know that this is a residential neighborhood and he feels as though it is incumbent upon them to keep that upper most in our minds when voting on this. He is asking each Commission member to vote no.

Mrs. Townshend stated that the *Zoning Ordinance* does allow for not all commercial uses but specifically does allow the large family day care in residential zones. So it does comply with the code; however, it is a conditional use which gives the Planning Commission discretion over that.

Mr. Tolbert stated that the fact that the Commission will review the application in a year gives them a large measure of control over the operation and if there is anything is remiss, wrong or not in keeping with the community and neighborhood then the Commission can deal with it at that time. The Commission will protect the community by having a right to oversee this operation in one year.

Mr. Holden stated that he believes in the testimony that they care offered would be very high and he thinks comments speak very well to the impact that Ms. Bordley has had on other people's lives in the past. He also thinks that in line with Conditional Use applications that this application is not in line with the harmony of the location. That it has an impact on adjacent property owners, as we have had some twenty-four (24) people raise their hand tonight. He does not think it is for lack of other locations that are near. He understands the home setting and he is very sympathetic to that but he thinks that they also have to be very mindful over the community as a whole when they make these decisions. It is due to those reasons why he thinks a conditional use for this use is not appropriate.

Motion failed by roll call vote 3-5 with Mr. Tolbert, Mr. Holt, Mr. Baldwin, voting yes and Mr. Holden, Mr. Cregar, Ms. Still, Mr. Ambruso and Colonel Welsh voting against and Dr. Jones absent.

Mr. Holden moved to deny C-13-06 Great Expectation Kinder Kollege: Large Family Day Care Home at 688 Independence Boulevard due to it does not fit into the harmony of location as required by a Conditional Use Site Plan, seconded by Mr. Ambruso and the motion carried by roll call vote 5-3 with Mr. Holden, Mr. Cregar, Ms. Still, Mr. Ambruso and Colonel Welsh voting yes and Mr. Tolbert, Mr. Holt and Mr. Baldwin voting against and Dr. Jones absent.

7) C-13-07 Solid Rock Baptist Church Community Center at 105 North West Street – Public Hearing and Review of a Conditional Use Site Plan to allow for the construction for a 4,157.4 SF two story

community center building to be located at 105 North West Street. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of North West Street north of Fulton Street. The owner is Solid Rock Baptist Church. Address: 105 North West Street. Tax Parcel: ED-05-076.09-03-02.00-000. Council District 4. *The Board of Adjustment granted a variance for the reduction of the front yard setback at their meeting on April 3, 2013. (V-13-04) Waivers requested: Reduction in Overall Number of Parking Spaces, Consideration of Combined Spaces Parking Provision and Partial Elimination of Curbing.*

Representatives: Mr. Don DeShiell, Regional Builders; Mr. Troy Adams, Mountain Consulting, Inc

Ms. Cornwell stated that this is an application for the Conditional Use Site Plan for the construction of a two story 4,157.4 SF Community Center Fellowship Hall. It will be next to the existing church that is located at 105 North West Street. The property is currently zoned RG-1 (General Residence Zone). The use as a church is a Conditional Use within the RG-1 (General Residence Zone) zoning district. The Board of Adjustment granted a variance for the property to allow the new Community Building Fellowship Hall to be located within twenty (20) feet from the front property line along North West Street at their April 3, 2013 meeting.

Ms. Cornwell stated that a parcel consolidation to combine three (3) parcels of land into one (1) parcel was completed on July 17, 2012. The site is in compliance with the required number of dumpsters and sidewalk along North West Street. There are multiple sidewalk connections into the site and they are in compliance with the tree planting calculation. The new building is a two (2) story metal building with a brick water table along the front. There are windows around the entire site of the building and it will have a metal roof.

Ms. Cornwell stated that there are three (3) waivers requested with this project. The first is for a reduction in the number of overall parking spaces. The site is required between the two (2) uses as the Church and the Community Center Fellowship Hall to provide fifty (50) spaces. They are proposing twenty-six (26) spaces. The site is eligible for up to a 50% reduction in the overall number of parking spaces as the site is located within the Downtown Redevelopment Target Area and has access to mass transit and pedestrian amenities. The second waiver is to allow for combined spaces. This would allow for the sharing of the parking space as the two (2) buildings and the two (2) uses would not be in operation at the same time. The third waiver is for a partial elimination of curbing within the parking area to allow for drainage within the stormwater management. The site is required to provide two (2) bicycle parking spaces; however, Staff is recommending a total of six (6) spaces to help address some of the parking spaces that would be eliminated if the parking reduction was approved.

Ms. Cornwell stated that the other agencies reviewing the application, including the Fire Marshal, the Department of Public Works and the Kent Conservation District have provided their comments.

Mr. Adams stated that they agree with all DAC comments. They have done their best to maximize the small space that is available. This is a one shot deal for this organization and they want to make the best for their members and the community.

Colonel Welsh opened a public hearing.

Mr. Kevin Robinson – 113 North West Street Dover DE 19904
Mr. Robinson stated that his father is the Pastor of Solid Rock Baptist Church. He is the President of the youth group and he feels they need their own space because the two (2) houses do not have air conditioning and sometimes it's too small and crowded. So they would like to have the extra space so that they can have our own rooms to split up age groups or individual lessons. They would also like to have a recreation room with games that would not be over crowded.

Mrs. Theo Braunskill – 91 North West Street Dover DE 19904
Mrs. Braunskill stated that her residence is on the south side of Fulton Street so she is right down the street from the Solid Rock Baptist Church. Her family owns the entire block of Fulton Street; six (6) homes on that block that are close to the church. Three (3) of these homes her and her husband own. They support the Solid Rock Community Center because it will be a new facility to help beautify the community. Second, it will provide youth activities that has long term influence on our community youth.

Mr. Arnold Braunskill – 91 North West Street Dover DE 19904
Mr. Braunskill stated that he wanted to echo what is wife had said. It is always good to see new buildings coming into the Downtown area. There are a lot of older homes in the area so whenever we can have the opportunity to have a new building provided that is going to uplift the community; they are in support of it.

Mr. Ricky Hardy – 105 North West Street Dover DE 19904
Mr. Hardy stated that he is one of the ministers at Solid Rock Baptist Church. He comes in full support of this project. Echoing what was said earlier, there needs to be something to do for the kids. If you have been over in this area, you would fully agree that the kids need somewhere to go and something to do. They are proposing to meet that need.

Colonel Welsh closed the public hearing.

Ms. Still moved to approve C-13-07 Solid Rock Baptist Church Community Center at 105 North West Street, along with the waiver requests for the partial elimination of curbing, combined parking spaces and the reduction in parking spaces and increasing the bike parking, seconded by Mr. Ambruso and the motion was unanimously carried 8-0 with Dr. Jones absent.

8) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

a) Report on Search for Subcommittee Members

Mr. Holden stated that he and Ms. Still were going to do some searching for members and they have done so. They have talked to colleagues, friends and others. There are two (2) individuals that they have reached out to that they are waiting to hear back on interest and whether they support them throwing their hat in the ring. So right now, they are awaiting those responses. He asks that this discussion be tabled until the September meeting.

Colonel Welsh reminded everyone of the Planning Commission Workshop scheduled for Tuesday, August 20, 2013. He thinks they have some good topics to cover and it would be worth their while to attend. He plans to make a recommendation at this meeting to revert back to the lunch time meeting

for the Planning Commission Quarterly Workshop. The Commission got away from that time because Mr. VonRider was working in New Castle County and it was not feasible for him to make the meetings at lunch time. It will be discussed at tomorrow's meeting at 4:00pm in the City Hall Conference Room.

Mr. Cregar questioned the date of the next Regular Planning Commission meeting? Was the date September 16, 2013 or September 17, 2013? Responding to Mr. Cregar, Ms. Cornwell stated that the meeting is on September 16, 2013.

Meeting adjourned at 9:36 PM

Sincerely,

Kristen Mullaney
Secretary