CITY OF DOVER PLANNING COMMISSION
February 19, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, February 19, 2013 at 7:00 PM with Chairman Welsh presiding. Members present were Colonel Welsh, Mr. Holden, Mr. Tolbert, Mr. Baldwin, Ms. Still, and Mr. Ambruso. Mr. Shomo, Mr. Holt and Dr. Jones were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, Mrs. Harvey and Mrs. Mullaney. Also present were Mr. Troy Adams, Mr. Alberto Sealy, Mr. Jon Anstine, Mr. Donald Glanden, Mr. Mark Dunkle and Ms. Kam Yeung.

APPROVAL OF AGENDA

Mr. Tolbert moved to approve the agenda as submitted, seconded by Mr. Holden and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 22, 2013

Ms. Still moved to approve the Planning Commission minutes of January 22, 2013, seconded by Mr. Holden and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the Planning Commission Quarterly Workshop is scheduled for Wednesday, February 20, 2013 at 4:00PM in the City Hall Conference Room. The materials for this meeting went out with the packet for the Regular Meeting of the Planning Commission. Mrs. Townshend stated that the Institute for Public Administration for the University of Delaware Planning training series is being held on Friday, February 22, 2013. A number of the Planning Commission members attended the January training. She stated that two (2) members were registered at this time, Dr. Jones and Colonel Welsh. She asked that if any other members were interested but not registered, that they contact the Planning Office for registration.

Mrs. Townshend stated that "Land Use and Development Administration" will be held on Friday, March 15, 2013 at 9:00AM. She stated that the registration deadline is Friday, March 8, 2013. If members are interested, they should contact the Planning Office to get registered.

Mrs. Townshend stated that there is a Fair Housing training being held on Thursday, February 28, 2013 from 6:00PM to 8:00PM at the Dover Public Library. The training is being presented by the State of Delaware Human Relations, the City of Dover and the Delaware State Housing Authority. Mrs. Townshend realized that Planning Commission members had Fair Housing training at the last Planning Commission Quarterly Workshop, but she stated that members were welcome to attend this training as well.

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, March 18, 2013 at 7:00PM in the City Hall Council Chambers.

Mrs. Townshend stated that a flyer was on each member's desk regarding a Workshop to discuss the Historic District and the Historic District Commission. The Workshop is open to any members of the public. She further stated that the Workshop will help determine how the Planning Office can improve their process as it relates to the Historic District or if they even need to improve their existing process. Mrs. Townshend stated that this presentation will be held on Tuesday, February 26, 2013 from 4:00PM to 7:00PM at the Dover Public Library. There will be a presentation held at 4:00PM, followed by facilitated discussion and then a repeat of the 4:00PM presentation at 5:30PM. This presentation will also be followed by facilitated discussion. Mrs. Townshend stated that this presentation was posted as a potential quorum, so she encouraged Planning Commission members to attend if they would like to be a part of the discussion or if they are interested in the opinion of the public.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on February 11, 2013.

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 BUSINESS

NEW DEVELOPMENT APPLICATION

1) SB-13-02 Lands of Conard at 633 Long Point Road – Public Hearing and Review of a Minor Subdivision to create three (3) parcels of land from the existing 167.561 acre ± parcel. The parcel will be subdivided into a 161.8836 acre +/- parcel, a 2.8189 acre ± parcel, and a 2.5 acre ± parcel. The property is zoned A (Agricultural Zone) and subject to the AEOZ (Airport Environs Overlay Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property is located on the west side of Long Point Road south of White Oak Road. The property owner is Joan Conard. Address: 633 Long Point Road. Tax Parcel: LC-05-069.00-01-07.00-000. Council District 3. *Waiver Request: Elimination of Sidewalk along Long Point Road. This application supersedes previous application SB-11-01.*

Representatives: Mr. Troy Adams, Mountain Consulting

Ms. Cornwell stated that this is a Minor Subdivision to create three (3) parcels from the existing 167.561 ± acre parcel of land. The property is zoned A (Agricultural) and is subject to the Source Water Protection Overlay Zone Tier II and the Airport Environs Overlay Zone Noise Zone A. The property is in a State Agriculture Preservation District and those restrictions limit the land to only be subdivided for family members, which is what is being proposed with this application. Parcel one (1) will consist of 2.5 acres ± located along Long Point Road. Parcel two (2) will be approximately 2.8 acres ± of land and consist of the existing driveway, the farm house and the other out-buildings that are

currently on the property. Parcel three (3) will be the remainder of the property which is 161 acres ± of farmland.

Ms. Cornwell stated that there is one (1) waiver request associated with this application. It is for the elimination of sidewalk along Long Point Road. The applicant is requesting to not provide sidewalk along the road frontage. Ms. Cornwell asked members to note that this application had been seen in April 2011. Ms. Cornwell further stated that this application will supersede that application as it was never recorded. The other reviewing agencies have provided their comments.

Mr. Adams stated that he did not have any questions or comments. He further stated that they are requesting the waiver for the sidewalk and that they are willing to comply with all of the DAC comments.

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

Mr. Tolbert moved to approve SB-13-02 Lands of Conard at 633 Long Point Road and the waiver requested for the elimination of the sidewalk, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

C-13-01 Daycare Center at 1344 Forrest Avenue – Public Hearing and Review of a Conditional Use Site Plan to allow for the establishment of a large family daycare facility. The property is zoned C-2A (Limited Central Commercial Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Forrest Avenue west of Independence Boulevard. The owner of record is Newwind Properties, LLC. Address: 1344 Forrest Avenue. Tax Parcel: ED-05-076.10-01-51.00-000. Council District 1.

Representatives: Mr. Alberto Sealy, representing the owner Mrs. Gloria Sealy

Mrs. Harvey stated that the Conditional Use Site Plan review is to permit a large family daycare with a maximum of twelve (12) children in an existing building located at 1344 Forrest Avenue. The property is zoned C-2A (Limited Central Commercial Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Newwind Properties, LLC and Mrs. Gloria Sealy will be the leasee. The Site Plan was previously approved by the Planning Commission in March 2009. Since the property has been vacant for over one (1) year, the Site Plan approval has expired. There were two (2) waiver requests submitted with the previous application. The first waiver request is to eliminate the required upright curbing along all permanent parking areas, which was approved by the Planning Commission. The second waiver request is to eliminate the fence component of the opaque barrier requirement, which was denied noting that the fence and landscape components of the opaque barrier must be constructed as required in the *Zoning Ordinance*. This requirement has since been satisfied. The applicant has elected not to expand the parking lot and maintain the number of parking spaces at five (5), which was also previously approved by the Planning Commission.

Mr. Tolbert questioned if the applicant at any time planned to exceed more than the twelve (12) children limit? Responding to Mr. Tolbert, Mr. Sealy stated not at this time but maybe in the future.

Mr. Tolbert questioned if the facility could accommodate more than twelve (12) children at this time? Responding to Mr. Tolbert, Mr. Sealy stated yes, it could accommodate more than twelve (12) children but their budget at the moment does not allow them to modify the parking lot or the other requirements that the City of Dover has in place.

Mr. Ambruso questioned how many employees would be working at the daycare? Responding to Mr. Ambruso, Mr. Sealy stated that right now his wife, Mrs. Gloria Sealy and his daughter are the only two (2) employees of the business.

Mr. Baldwin questioned if there would be evening hours? Responding to Mr. Baldwin, Mr. Sealy stated that there were no evening hours at this time.

Colonel Welsh questioned what the operating hours were going to be? Responding to Colonel Welsh, Mr. Sealy stated that the hours were 6:00AM – 6:00PM.

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

Mrs. Townshend stated that all members have revised Public Works comments on their desks. These revised comments have been provided to the applicant.

Colonel Welsh questioned what the revision was? Responding to Colonel Welsh, Ms. Cornwell stated that the revision is the requirement that the applicant does not have to provide certain water flows and other flows that were originally required in the original comments. The revision is making it easier for the applicant to move back in to the existing building.

Mr. Tolbert moved to approve C-13-01 Daycare Center at 1344 Forrest Avenue, with full compliance of all DAC comments and Staff comments, seconded by Ms. Still and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

US-13-01 Greentree Shopping Center at 25-140 Greentree Drive – Public Hearing and Review of a Unified Comprehensive Signage Plan application to permit the construction and implementation of signage for the Shopping Center consisting of two pylon signs, monument signs at entrances and wall signs for the tenants. The property is zoned SC-2 (Community Shopping Center Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) between Independence Boulevard and Kenton Road. The owners of record are Greentree Village Center LP and Stevens/Anstine 1987-1 LP. Addresses: 25-83 and 87-140 Greentree Drive (excluding 50, 121 and 125 Greentree Drive). Tax Parcels: ED-05-076.06-06-67.00-000 and ED-05-076.06-06-66.00-000. Council District 1.

Representatives: Mr. Jon Anstine, JBA Properties LTD

Ms. Cornwell stated that this was a Unified Comprehensive Signage Plan application for the Greentree Shopping Center. The Signage Plan includes two (2) buildings on this site. One building that is closer to Kenton Road and also the main building where Redner's Market is being built. The plan proposes one (1) wall sign for each tenant, with the exception of Redner's Market and the former Blockbuster tenant space. The existing wall signs for the existing tenants range in size from twenty five (25)

square feet to fifty-five (55) square feet in sign area with the exception of Rite Aid; it is currently one hundred twenty-nine (129) square feet in sign area.

Ms. Cornwell stated that there are two (2) sign types that exist at the Shopping Center. There are individual channel letters and also interior illuminated box signs. The plan proposes to keep the two (2) sign types. She further stated that the plan is proposing four (4) wall signs, totaling four hundred (400) square feet in sign area for the Redner's Market. The plan is also proposing two (2) wall signs totaling four hundred (400) square feet in sign area for the former Blockbuster tenant space. Ms. Cornwell stated that Staff is recommending two (2) wall signs for a total of two hundred (200) square feet in sign area for the former Blockbuster tenant space. She stated that the two (2) former signs for the Blockbuster tenant space were both ninety (90) square feet, totaling one hundred eighty (180) square feet in sign area. This would make the proposed signs only twenty (20) square feet larger than what previously existed.

Ms. Cornwell stated that the plan is also proposing to keep the existing four (4) free-standing signs. This includes two (2) legal non-conforming pylon signs and two (2) monument signs. She stated that the two (2) monument signs are both nineteen (19) square feet in sign area and are not proposed to change. Both signs are located off of Greentree Drive and Independence Boulevard near the entrances of the Shopping Center. The plan proposes to change the two (2) existing legal non-conforming pylon signs. The first pylon sign located along Forrest Avenue, closer to Independence Boulevard, is proposed to increase in height from twenty (20) feet tall to twenty four (24) feet tall and also to increase in sign area from one hundred fifty-seven (157) square feet to one hundred ninety-five (195) square feet in sign area. The second pylon sign is also located along Forrest Avenue but its located closer to the former Blockbuster tenant space. This sign is proposed to decrease in height from twenty- five (25) feet to nineteen (19) feet and to decrease in sign area from two hundred nine (209) square feet to two hundred four (204) square feet in sign area. The pylon signs have more than three (3) tenant spaces per sign and Staff is recommending in favor of this and also that no tenants have signage on both pylon signs, so that they would be restricted to just one sign on the pylon sign. Staff is also recommending in favor of continuing the landscaping and enhancing the landscaping at the base of the existing free standing signs. Ms. Cornwell stated that there are a number of other Staff recommendations that can be found in the DAC Report. The other agencies reviewing this application have provided their comments.

Colonel Welsh questioned if Mr. Anstine was in agreement with the DAC comments and recommendations and also Staff recommendations? Responding to Colonel Welsh, Mr. Anstine stated yes, he was in agreement with the DAC comments and recommendations and also the Staff recommendations.

Colonel Welsh questioned the size of the sign area for the former Blockbuster tenant space? He believes that it is an awfully large area of four hundred (400) square feet of sign area. He stated that without knowing who the tenant was going to be, it is very difficult for him to consider approving something of that size. Responding to Colonel Welsh, Mr. Anstine stated that Ms. Cornwell had reduced that sign area to two hundred (200) square feet and that they were in agreement with the change.

Colonel Welsh questioned who the tenant for the former Blockbuster was going to be? Responding to Colonel Welsh, Mr. Anstine stated that there was no perspective tenant at this time.

Colonel Welsh further questioned that they may not use that sign area? Responding to Colonel Welsh, Mr. Anstine stated most likely they will use the sign area. He further stated that one side is on the south side facing Forrest Avenue and the other side faces the parking lot. The former Blockbuster tenant had one hundred eighty (180) square feet of sign area, so most likely they will use the same for the new tenant.

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

Mr. Baldwin moved to approve US-13-01 Greentree Shopping Center Signage Plan, along with the DAC comments and Staff recommendations, seconded by Mr. Tolbert and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

MI-12-24 Comprehensive Rezoning and Text Amendment: AEOZ (Airport Environs Overlay Zone)

a) Proposed Amendments to the *Zoning Ordinance*: AEOZ (Airport Environs Overlay Zone) – Public Hearing and Recommendation to City Council on proposed amendments to the *Zoning Ordinance* to update the provisions of the AEOZ (Airport Environs Overlay Zone). This Ordinance amends Appendix B: Zoning, Article 3 Section 22 – Airport Environs Overlay Zone (AEOZ) including the Land Use Compatibility Table. Ordinance # 2013-01.
b) Comprehensive Rezoning: AEOZ Zoning – Public Hearing and Recommendation to City Council on proposed rezoning of 685 properties in the eastern portion of the City by changing the boundary of the Airport Environs Overlay Zone (AEOZ) in accordance with the *2010 Air Installation Compatible Use Zone (AICUZ) Study* published by the Dover Air Force Base. The proposed changes involve revisions to the noise contours boundaries now as the Noise Zones A-D of the AEOZ zoning classifications. Ordinance # 2013-02.

Mrs. Townshend stated that there were two (2) parts. One part being the Zoning Text Amendments and the Comprehensive Zoning Map Amendment associated with implementing the Airport Environs Overlay Zone (AEOZ). She stated that an overview of the Text Amendment would be given first, along with a Public Hearing and then the changes to the map would follow.

Mrs. Townshend stated that this a project that is being completed in accordance with the *2010 Air Installation Compatible Use Zone (AICUZ) Study* developed by the Dover Air Force Base. The Airport Environs Overlay Zone (AEOZ) was adopted by City Council in 2001 and this is an updated of that Zone.

Mrs. Townshend stated that the primary change in the text was that the former Land Use Compatibility Tables were removed and we inserted what the Dover Air Force Base has currently. There are no significant changes. Mrs. Townshend stated that in some cases, it breaks down things more clearly. The Text Amendment states what you can do in the different Noise Zones, the Accident Potential Zones and the Clear Zones. Mrs. Townshend further stated that changes were made to the purpose and intent in order to make it clearer.

Mrs. Townshend stated that the most significant change to the text is under Tab AEOZ, page 2, lines 70-83. It currently states that additions to existing commercial buildings are permitted but limited to no more than 3,000 square feet. A practical example of where this was a problem was at Dover

Behavioral Health. This project went to the Board of Adjustment in order to do an expansion of greater than 3,000 square feet. Mrs. Townshend further stated that in trying to prevent deferring that type of expansion to the Board of Adjustment, knowing that it is very limited in terms of that type of use and that a lot of what's in the zone complies with the use requirements, they proposed a change. Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50 percent of the floor area. Mrs. Townshend stated that it is now more of a ratio approach. For instance, a 2,500 square foot operation cannot be expanded by more than double. She also pointed out that a large facility is still limited to 50 percent increase. This text amendment provides a check and balance that unlimited expansion is not applicable, by pro-rating the expansion based on the size of the facility.

Mrs. Townshend stated that additions to existing non-residential buildings designed for storage warehousing and other uses not intended for human occupancy as a primary use, are unlimited in floor area. Typically, most of the warehousing uses are permitted but they wanted to make it clear that there is a limit on expansion for buildings intended for human occupancy versus buildings that are used for storage.

Mrs. Townshend stated that when going through the process for both the map and text changes, they coordinated closely with the Community Planner for the Dover Air Force Base. All of the materials have been available for review and they have not received any concerns. She further stated that when the public workshop was held in November 2012, the Community Planner for the Dover Air Force Base did attend. The purpose of the Airport Environs Overlay Zone (AEOZ) is to protect the Air Force Base from encroachment of incompatible uses in the area surrounding the Dover Air Force Base.

Colonel Welsh questioned if the Dover Air Force Base was in compliance with the purposed amendments? Responding to Colonel Welsh, Mrs. Townshend stated yes, the Dover Air Force Base had not stated otherwise and they have been working very closely with them.

Colonel Welsh opened a public hearing.

Mr. Donald Glanden – DHK, LLC 14 Starlifter Avenue Dover DE 19901

Mr. Glanden stated that he presently has a building located in the Industrial Park on Starlifter Avenue. He further stated that the zoning will continue to be zoned M (Manufacturing), but the Noise Zone is being changed from Noise Zone C to Noise Zones A and B. Mr. Glanden asked for clarification as to how that would affect their operation or how it affects their property? Responding to Mr. Glanden, Mrs. Townshend stated that in terms of their operation, the Noise Zone change does not affect any operation that is existing. The Noise Zones A and B are less restrictive than Noise Zone C. She further stated that Noise Zones C and D are the more intense Noise Zones. Primarily, especially as it related to the manufacturing type operations and warehousing type operations, the Noise Zone affects it in terms of building construction and the noise attenuation you need to construct the building to.

Mr. Glanden further questioned if the zoning change would make it more difficult for new construction to come in to the Industrial Park? Responding to Mr. Glanden, Mrs. Townshend stated that it would not make it more difficult. With the change in the noise contours they are seeing a contraction of the Noise Zones. She further stated that the change would take away some level of restriction.

Mr. Mark Dunkle – Parkowski, Guerke & Swayze P.A. 116 W Water Street Dover DE 19904

Mr. Dunkle stated that he was here on behalf of Dover Behavioral Health and that they fully support the common sense amendment and also appreciate the language.

Ms. Kam Yeung – First State Billiard Inc 10 Maggies Way Dover DE 19901

Ms. Yeung stated that she currently owns a building located in Bryan Business Park which is a pool hall. She further stated that she was confused with the Noise Zone change. Responding to Ms. Yeung, Colonel Welsh stated that the zoning at ground level was not changing. The zoning change has to do with the flight path of the air craft and the noise and also the Accident Potential Area. Colonel Welsh further stated that these areas have actually shrunk, so if you were not affected before then you should not be affected now.

Mrs. Townshend stated that there is an issue with this property since it is located within the Accident Potential Zone. She pointed out that the Accident Potential Zones have not changed with this amendment. With regard to the pool hall, it would be limited to the type of expansion. The building is now zoned as a public assembly, so it would not be a permitted use. Any expansion would be limited to 50 percent expansion of the existing area. Mrs. Townshend gave an example of a 5,000 square foot building; they would only be allowed to expand no more than 50 percent.

Ms. Yeung stated that she was not looking for expansion; she is trying to sell the property. She further stated that her property is limited to the type of use that is able to be at this location. Responding to Ms. Yeung, Mrs. Townshend stated that this is not something that is changing. She further stated that the existing pool hall was a non-conforming use previously. The Planning Office has spoken with people about a number of things opening at this location. The reality is that the property is located within the Accident Potential Zone where even under the current language in the *Zoning Ordinance,* public assemblies or similar activities are prohibited from starting new.

Ms. Yeung questioned if any other type of business could open at this location? Responding to Ms. Yeung, Mrs. Townshend stated that businesses can open. There are just restrictions on the types of uses at this location based on the issue of safety and how many people are going to be in the flight zone.

Ms. Yeung stated that at the present time, her occupant load at this time is about 300 people. Mrs. Townshend stated that Ms. Yeung's existing business is legal non-conforming in the zone. She further stated that that type of use can continue as long as the business does not cease for the period of a year.

Colonel Welsh stated that if Ms. Yeung were going to sell the property and it remained a pool hall, then she would have no issue. Responding to Colonel Welsh, Ms. Yeung stated that due to the economy being so bad, no one has extra money to spend to keep the pool hall open. She further stated that she has potential buyers from India, who want to open a temple at the location.

Mrs. Townshend stated that opening a temple at this location would be an issue in terms of both the Airport Environs Overlay Zone (AEOZ) and the zoning of the property, which is zoned C-3 (Service Commercial Zone). A public assembly would not be something permitted in the C-3 (Service Commercial) Zone.

Colonel Welsh closed the public hearing after seeing no one else wishing to speak.

Mr. Ambruso moved to recommend approval to the City Council on the proposed amendment to the Zoning Ordinance pertaining to the updating of the Airport Environs Overlay Zone (AEOZ), amending Appendix B, Article 3 Section 22, including the Land Use Compatibility Table, seconded by Ms. Still and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

Mrs. Townshend stated that Part B of the Comprehensive Rezoning and Text Amendment was the Comprehensive Zoning Map Amendment. She stated that this was the map companion for the text amendment that was just discussed. Mrs. Townshend asked members to look specifically at the Exhibit Maps in their packets. She further stated that in an effort to answer any questions and concerns at the front end of things, the Planning Office held a workshop on November 8, 2012. A notice was sent to all property owners, inviting them to attend the workshop. She stated that a number of people did attend the workshop.

Mrs. Townshend stated that what was being presented was a change to the Zoning Map based on the *2010 Air Installation Compatible Use Zone (AICUZ) Study* published by the Dover Air Force Base in August 2010. The primary change being made is on the second map. A number of properties (shown in purple) under the map amendment, will be removed from the Airport Environs Overlay Zone (AEOZ). These properties would come out of the Noise Zone. She stated that the Accident Potential Zone I, Accident Potential Zone II and the Clear Zone do not change on the map but the Noise Zones change fairly significantly. There will be a number of properties coming out of the Noise Zones and then those which remain in the Noise Zones are shifting and contracting. For example, numerous properties are shifting from Noise Zones C and D to Noise Zones B or A. She stated there are also some properties under Noise Zones B and C, but the line shifts on the property. The primary impact that this has on properties deals with new construction and the noise attenuation that has to be built into the buildings.

Mrs. Townshend further stated that the use restrictions are not changing. For example, going from a Noise Zone D or C to a Noise Zone B or A the restrictions decrease to a degree. She stated that all properties owners affected by this change have been notified multiple times. The first notification was for the Workshop followed by the official Public Notice.

Mrs. Townshend asked members to look at page two (2) under Summary. She stated that when making a motion it would be important to hit the factors specified in the *Zoning Ordinance* that need to be considered. She further stated that for any Rezoning, the Planning Commission's report needs to consider whether such change is consistent with the aims and principles embodied into the *Zoning Ordinance* as to the particular zones concerned. Based on the fact that this is being done in accordance with implementation of the *2010 Air Installation Compatible Use Zone (AICUZ) Study* published by the Dover Air Force Base, we believe that it is clearly met. Also, whether such proposed amendment is consistent with the aims of the *Comprehensive Plan* for the City of Dover. There is significant deference to the Air Force Base given in the *Comprehensive Plan* and the importance of protecting the Air Force Base as an employer and also preventing encroachment of incompatible uses through the use of the Airport Environs Overlay Zone (AEOZ). Section 5.43 states that the Planning Commission needs to determine whether the uses permitted by the proposed change are compatible with the existing uses and zones in the areas concerned. She again stated that this would be relieving a level of restriction rather than adding a level of restriction. In cases where a business may be legal non-conforming, the amendment does not change how that use

continues or the fact that it could not be re-established if it were to expire. Whether adequate public services and infrastructure exist or can be created or expanded to service the needs of any additional demand as a result of such change. She stated that this is an Overlay Zone, so she does not see this being a concern. Also, whether the proposed change is in accordance with the City of Dover's *Comprehensive Plan*. This ties into the concept of updating the Airport Environs Overlay Zone (AEOZ) in accordance with the current data which is very much consistent with the *Comprehensive Plan's* goals as it relates to the Dover Air Force Base.

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 City Council on the proposed rezoning of the 685 properties in the eastern portion of the City, by changing the boundaries of the Airport Environs Overlay Zone (AEOZ) in accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study, published by the Dover Air Force Base. These proposed changes involve revisions to the noise contour boundaries, known as the Noise Zones A-D of the AEOZ zoning classification, Ordinance # 2013-02. Also for the record, the proposed changes are consistent with the principles embodied in the Zoning Ordinance and the City of Dover's Comprehensive Plan and the other criteria specified in the Zoning Ordinance, seconded by Ms. Still and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

Meeting adjourned at 7:55 PM

Sincerely,

Kristen Mullaney
Secretary