CITY OF DOVER PLANNING COMMISSION
May 21, 2012

The Regular Meeting of the City of Dover Planning Commission was held on Monday May 21, 2012 at 7:00 PM with Chairman Colonel Welsh presiding. Members present were Mr. Baldwin, Mr. Shomo, Mr. Tolbert, Mr. Ambruso, Mr. Nichols, Mr. Holt, Mrs. Still (New Appointee) and Colonel Welsh. Mr. Friedman was absent.

Staff members present were Mrs. Melson-Williams, Mrs. Townshend, Mrs. Duca, and Ms. Cornwell. Also present was Mr. Jeff Dyer, Mr. John Tracey, Mr. Brock Riffle, and Mr. John Furanti. Also speaking from the public was Mr. Jerry Dunning and Mrs. Meghan Lester.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF APRIL 16, 2012

Mr. Nichols moved to approve the regular Planning Commission meeting minutes of April 16, 2012, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Mr. Friedman absent.

Mr. Holt stated that he would like to welcome the new Planning Commission member, Mrs. Still.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next regular Planning Commission Quarterly Workshop is scheduled for Tuesday, May 22, 2012 at 4:00 PM in the City Hall Conference Room. The next Planning Commission meeting is scheduled for Monday, June 18, 2012 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend further stated that there is an APA Audio Web Conference and panel discussion by the local APA Chapter entitled "Adapting Cities to Climate Change" on June 6, 2012 in the Executive Banquet Conference Center in Newark, Delaware. The 2012 "Planning Law Review" will be an audio web conference on June 27, 2012 at the Kent County Administration Building.

Mrs. Townshend provided an update on the regular City Council and Legislative, Finance and Administration Committee meetings of April 23, 2012. The Safety Advisory and Transportation Committee meeting of April 25, 2012 and on May 14, 2012 City Council's Annual Meeting.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

C-11-04 M & L Ventures, LLC at Lafferty Lane – Request for a one year extension of the Planning Commission approval granted June 20, 2011 for a Minor Subdivision and Conditional Use Site Plan to create two parcels of 5.46 ± acres and 4.13 ± acres for the construction of a total of ten 9,950 SF manufacturing/warehousing buildings on two parcels (after subdivision) and other

associated site improvements at Lafferty Lane. The property is currently 9.99 acres ± and is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone) APZ 1 and Noise Zones C and D. The property is located on the south side of Lafferty Lane west of Horsepond Road. The owner of record is M & L Ventures, LLC. Property Address: Lafferty Lane. Tax Parcel: ED05-077.00-01-28.04-000. The Planning Commission also granted on for revised construction timing of a public street within the project.

Representative: None

Mrs. Melson-Williams stated that Staff is in receipt of written correspondence dated May 1, 2012 requesting a one (1) year extension for the Conditional Use Site Plan for M&L Ventures. This was reviewed by the Planning Commission in June of last year with a one year approval of the Conditional Use Site Plan granted. They are asking for a one (1) year extension. To date, they have completed the check print process and do have final plan approval as of April 23, 2012. A pre-construction meeting is scheduled for the first week of June; however, they have not applied for a Building Permit as of yet. Their plan would expire on June 30, 2012 if an extension is not granted.

There were no comments or questions from any Commission members at this time.

Mr. Ambruso moved to grant approval of a one year extension for C-11-04 M & L Ventures, LLC located at Lafferty Lane, seconded by Mr. Shomo and the motion was unanimously carried 8-0 with Mr. Friedman absent.

S-11-07 Weston Drive Property: Mini-Storage Facility – Request for a one year extension of the Planning Commission approval granted May 16, 2011 for a Site Plan for the construction of three mini-storage buildings for a total of 16,800 S.F. of new buildings and other associated site improvements at 200 Weston Drive. The property is 5.36 acres ± and is zoned IPM (Industrial Park/Manufacturing Zone). The property is located at the north end of Weston Drive. The owner of record is Stoltzfus Mast, LLC. Property Address: 200 Weston Drive. Tax Parcel: ED05-076.08-01-11.01-000. Council District 4.

Representative: None

Mrs. Melson-Williams stated that Staff is in receipt of a letter dated May 11, 2012 making a one (1) year extension request for the Mini Storage Facility. The Planning Commission in May of 2011 reviewed a Site Plan and granted conditional approval of the Plan at that time. Since that date, Staff has seen one check print and issued comments back to the applicant as they work to finalize the Plan; however, they will not be under construction by the end of May.

There were no comments or questions from any Commission members at this time.

Mr. Nichols moved to grant approval of a one (1) year extension for S-11-07 Weston Drive Property: Mini-Storage Facility, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Friedman absent.

S-11-08 Loockerman East: Lands of Hub Associates, LLC – Request for a one year extension of the Planning Commission approval granted May 16, 2011 for a Site Plan for the redevelopment of four

parcels of land (to be consolidated) in order to construct a 92 room hotel, an 11,230 S.F. retail building, and other associated site improvements (with the existing 17,200 S.F. 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: ED05-077.06-01-62.00-000. ED05-077.06-01-63.00-000, ED05-077.06-01-64.00-000, and ED05-077.06-01-87.00-000. Council District 2.

Representatives: None

Mrs. Melson-Williams stated that Staff was in receipt of a letter dated May 9, 2012. This project is for re-development activities known as "the Hub site." This was reviewed by the Planning Commission in May 2011 as part of a Site Plan approval. To date, Staff has seen one check print and issued comments back in early April as they worked towards finalizing the Plans for this project; however, they will not be under construction by the end of this month.

There were no comments or questions from any Commission members at this time.

Mr. Ambruso moved to grant approval of a one (1) year extension for S-11-08 Loockerman East: Lands of Hub Associates, LLC, seconded by Mr. Nichols and the motion was unanimously carried 8-0 with Mr. Friedman absent.

NEW BUSINESS

NEW DEVELOPMENT APPLICATIONS

C-12-03 Deep Water Church at 32 West Loockerman Street – Public Hearing and Review of a Conditional Use Plan to allow for the establishment of a church within the existing building. The parcel is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the south side of West Loockerman Street in the block between South Bradford Street and South Governors Avenue. The owner of the property is Rudolph Von Croy. Address: 32 West Loockerman Street. Tax Parcel: ED05-077.09-04-13.00-000. Council District 4.

Representative: Mr. Jeff Dyer.

Ms. Cornwell stated that the use as a place of workshop is a Conditional Use within the C-2 Zoning District. The criteria for a Conditional Use are noted in the Staff Report. The C-2 zoning district does not require parking as the proposed use is located within an existing building. Staff notes that there is parking located behind the building on the site, ample on-street parking, and several municipal parking lots within close proximity. The other agencies reviewing this application as a church have provided their comments.

Colonel Welsh stated that we are in receipt of correspondence concerning the application.

Mrs. Townshend stated that two (2) pieces of correspondence have been received. The first is from Judy Leaming who is the owner of two (2) properties, located at 102 and 106 West Loockerman Street. She stated "as a former merchant and member of Main Street Dover, she is unconditionally opposed to granting a variance for this type of usage. Parking is already a problem in the Downtown area. When she reads of the various properties in and around Dover that are empty spaces, she asks why anyone would want to plant a church in the middle of a commercial area. Recently, a tenant of one of their properties expressed a concern about a number of people who seem to hang around the rear entrance of his business and use the property as a mini park discarding refuse there and she was referring this issue to the Police Department. She was unable to attend this evening." After Mrs. Townshend spoke with Mrs. Leaming this morning, Mrs. Leaming sent a follow-up email indicating that she reiterates her concerns about parking and loitering especially in the back lot which affects the rear entrances of 102 and 106 West Loockerman Street. Mrs. Leaming understood Mrs. Townshend to say that the variances, specifically for a church and any additional social service activities of the church would only be on Sunday."

Mrs. Townshend further stated that she knows that there is a Wednesday service as well as other activities during the week. Parking would likely not be an issue because there is parking at the Bradford Street lot and the Governors Avenue parking lot.

Mrs. Townshend further stated that Mrs. Leaming further stated that "she believes that the Planning Commission needs to be very clear on how much usage is planned and what days the worship center other than the church office would be open and used. She continues to object to the Conditional Use being granted."

Mr. Dyer stated that mainly, their services would be held on Sunday like a typical church. We have been in this area on Sunday mornings and there appears to be ample parking because there is not a whole lot going on for Sunday mornings. We occasionally would be having meetings during the week during business hours. Our other potential activities would be in the evenings for classes and meetings of that sort which would be after hours for most businesses Downtown.

Mr. Shomo stated that he had received a call from Amy of Forney's Too. He indicated that they would listen to everything at the meeting; however, he could not talk about it until the meeting and that they would do their best to make the right decision.

Mr. Nichols stated that he also received a call from Forney's and he explained to her that she would have to be in attendance to make her wishes known. He did not engage in any conversation.

Mr. Ambruso stated that he also received a phone call from Forney's; however, he did not engage in any conversation with her.

Mr. Tolbert stated that he also received a call from the same individual and referred them to this meeting tonight. He did not engage in any conversation. He suggested that they come to the meeting and voice their concerns.

Colonel Welsh stated that there would be no need to recuse those who received a phone call as they did not engage in conversation with them.

Mr. Tolbert questioned with this being a church in a somewhat restricted area, what do you anticipate the growth will be and in what timeframe? Responding to Mr. Tolbert, Mr. Dyer stated that the average church only grows to be about 75 people total. He feels that it would be unrealistic to see 100's of people. If we did, we would have to look for another location. We currently have about 40 people who anticipate coming to this church.

Mr. Tolbert further questioned if this space could accommodate these 40 people? Responding to Mr. Tolbert, Mr. Dyer stated that they are working with the Fire Marshal regarding that issue with the CAD drawings. It looks like it could seat 100 chairs and they are making sure that all the fire codes work out. If it were to go any higher, we would need to do multiple services to continue growing.

Mr. Tolbert further stated a concern of his would be the potential impact regarding parking.

Colonel Welsh stated that the services are primarily on Sunday. Did I hear something about a mid-week service? Responding to Colonel Welsh, Mr. Dyer stated that potentially, as they grow, they would like to do something in the evenings and/or some classes. This is a time when most businesses are not operating so he does not feel that parking would impact anything.

Mr. Nichols stated that this building is commercial and residential and there could be some singing and music that could be detrimental to the residents upstairs. He is unsure as to how many offices are open on Sunday. He feels that there are other spots in the City for a church other than the main street. He would also reiterate the concerns of the two (2) property owners.

Mrs. Still questioned regarding the comment of weekday services. Would there be any services during the day at any time? Responding to Mrs. Still, Mr. Dyer stated not a regular service; however, meetings.

Mrs. Still further stated that her concerns would be regarding a funeral service. Responding to Mrs. Still, Mr. Dyer stated that it would be unlikely that they would have one. He tends to do most of them at funeral homes. It would be very hard to get people down Loockerman Street.

Mr. Ambruso stated that churches are usually do "works of mercy" where often times they do "reach-outs." What type of social services would be offered? Responding to Mr. Ambruso, Mr. Dyer stated that currently they are not officially open so there would not be much. He met the other day with a group of local pastors that get together where they have a fund that is administered working with the James Williams Service Center. We plan on that being our vehicle to do. If you are speaking of benevolent things, this would be our primary way of meeting that need.

Colonel Welsh questioned why they chose this location? Responding to Colonel Welsh, Mr. Dyer stated that they looked at a lot of locations and they wanted to be a church that is involved in the community and what better way than to be in the community. It was sort of an accidental find as some friends at Colonial Management mentioned the property and it seems to fit our needs without any major construction by the way that it is laid out. We feel that if we want to be involved in the community such as First Night and an Open Mike night, because we are a church that wants to be involved in the community, we felt that it would be an ideal space and would be in the middle and heart of the community.

Colonel Welsh questioned if they are envisioning most of their services to be held on Sunday when most everything Downtown is closed and parking would not be an issue? Responding to Colonel Welsh, Mr. Dyer stated yes, this was actually their biggest concern when they first looked at the property as the location was not too hard to find and it was a nice space. He was also concerned about parking so he started going Downtown between 10:00 AM and 11:15 AM and watching the street parking and counting spaces. This was before he realized that North Street had a lot with the City. They were counting spaces to make sure there would be space as there are several other churches Downtown. We were concerned that if the other churches also used these spaces that we would be competing and we want to get along with everyone.

Colonel Welsh stated that this is a Conditional Use and as Mr. Nichols had some concerns with people who might live there, any issues with regards to the public hearing, with cause, we can revoke this Conditional Use. Responding to Colonel Welsh, Mr. Dyer stated that he has talked to the Facility Manager and until they actually start playing some music there, you cannot have a real idea of the impact as there is ample dead space in-between. There are some things they can do for sound abatement with insulation to alleviate any sound concerns.

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

Mr. Tolbert moved to approve C-12-03 Deep Water Church located at 32 West Loockerman Street on the condition that the applicant understand that they are to do everything they can to keep peace and harmony in the community and to fully comply with all the DAC comments of record, seconded by Mr. Holt and the motion was carried 6-2 with Mr. Ambruso and Mr. Nichols opposed and Mr. Friedman absent.

C-12-04 Cellco Partnership Telecommunications Tower – Public Hearing and Review of a Conditional Use Site Plan to allow for the construction of a 76 foot tall telecommunications monopole and associated site improvements. The subject area is zoned R-8 (One Family Residence Zone). The property is located on the west side of State Route 1, south of Leipsic Road at the Dover Toll Plaza. The owner of the property is the State of Delaware Department of Transportation and lessee Cellco Partnership d/b/a Verizon Wireless. Addresses: 200 Plaza Drive and State Right-of-way for State Route 1. Council District 3. *This application is subject to a variance granted by the Board of Adjustment on April 18, 2012 (Application V-12-02).*

Representatives: John Tracey of Young, Conaway, Stargatt, and Taylor on behalf of Cellco Partnership; Mr. Brock Riffle, Engineering; and Mr. John Furanti, Civil Engineer.

Ms. Cornwell stated that a Zoning Determination states that "Telecommunications Towers located within residential zoning districts require Conditional Use approval from the Planning Commission." The Board of Adjustment granted a variance for the height of the tower at seventy-six (76) feet that includes a six (6) foot lightning rod at their meeting of April 2012. The placement of the tower and associated equipment shed will be placed at the edge of the parking lot over existing gravel located near the dumpster enclosure. A fence will be placed around the tower and the equipment shed. The architecture of the equipment shed will match the existing toll plaza service building. Staff notes that there is adequate parking and tree plantings on the site. The other reviewing agencies have provided their comments.

Mr. Tracey stated that this is a unique application because it is located within the right-of-way and on an existing property that they would call a non-residential use as the toll plaza. He did not realize that this was a rest area until he had to stop there the first time for signatures. Because it is in the right-of-way, the City imposes zoning on it to protect it if the right-of-way were to not be used for road services anymore. To slightly correct one thing that was previously stated, the wall around the enclosure will be designed to match what is already around, the red brick that the toll plaza has. The shed inside will not be brick as it is a metal cabinet; however, will be screened behind a fence that matches what is on the property now as the red brick.

Mr. Tracey further stated that this type of use does not generate any kind of traffic; it does not make noise, or emit any smells. This is a short installation of seventy-six (76) feet as this is shorter than the light poles if you are driving through the toll plaza as there are some very tall light poles with some cages on top that are there so that people can make fixes. This is consistent with the trees that are in the area and is well over 1,000 feet from any residential use. Their nearest neighbor would be Dover Downs complex and the grandstands that are far taller than what they are proposing here.

Mr. Ambruso questioned if this would mean he would have less dropped calls? Responding to Mr. Ambruso, Mr. Tracey stated that this is the intention of the site. They just placed a similar sized one behind the Schuckers Pier 13 Restaurant that is about the same height. If you are familiar with the race vehicles that have been pulled in on race weekend, they take up the same location. You have just highlighted that it is no longer a couple of races a year. It is more familiar occurrence for dropped calls that also has to do with the amount of data that people are using their phones for and this is designed to address that concern.

Mr. Nichols questioned why is this tower so short? Responding to Mr. Nichols, Mr. Tracey stated that they do not want to over build something if they do not have to for a variety of reasons including the higher you go the more likely you are to provoke complaints. This is more of an off-loading facility; it is a capacity site more than a coverage site. The dropped calls that Mr. Ambruso is referring to is because more people are using the system in these areas so you do not have to go as high to accommodate that. You can build it shorter and it handles the off-load from the other sites that are currently having the problems. When you are going for coverage you want to go higher. When you are going for capacity you do not have to go as high.

Mr. Nichols further questioned if this tower was strictly for Verizon? Responding to Mr. Nichols, Mr. Tracey stated that it is; however, it is designed to accommodate at least one other user if they wanted to come onto the site that at the current height, they could operate at the sixty (60) foot spectrum.

Mr. Nichols further stated that the DAC Report states that the State of Delaware owns the property; however, on the prints, the City of Dover owns it. Responding to Mr. Nichols, Mr. Tracey stated that this is being corrected as it was pointed out to them at the DAC meeting. It is a typing error from the original signature, it is owned by the State of Delaware.

Mr. Tolbert questioned if there is a possibility that this tower will interfere with communications to radio and TV's and any other communications in the area? Responding to Mr. Tolbert, Mr. Tracey stated that no, in fact they submitted that as part of the Board of Adjustment application. For their RF Engineering, in addition to doing a Design Report, he submitted a Non-Interference Report that this will not interfere with any other transmissions or communications.

Mr. Tolbert further stated that if he is looking at the location directly on the other side of Route 1, there is a development, Persimmon Park Place. Responding to Mr. Tolbert, Mr. Tracey stated that it is located about 1,500 feet away and it would not interfere. We are licensed to a particular spectrum that we can use and are not bombarding these signals as the area is an area that they are licensed to use.

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

Mr. Tolbert moved to approve C-12-04 Cellco Partnership Telecommunications Tower located at 200 Plaza Drive for a Conditional Use Site Plan as submitted and on the condition that the applicant comply with the Planning Commission, Staff, and all of the DAC comments of record, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Friedman absent.

MI-12-06 Comprehensive Zoning Map Amendment: SWPOZ – Tier 3 – Public Hearing and Review for Recommendation to City Council of zoning map amendments pertaining to the Source Water Protection Overlay Zone – Tier 3 Excellent Recharge Area. This rezoning is for a series of properties located in the vicinity of North DuPont Highway and Leipsic Road. The proposed revisions to the Zoning Map and the delineated areas of the SWPOZ - Tier 3 Excellent Recharge Areas are the result of a study reviewed in accordance with *Zoning Ordinance,* Article 3 §29.711. Ordinance #2012-11.

Representative – Staff; and Mrs. Meghan Lester, Geo Technology Associates.

Mrs. Townshend stated that in 2007 and 2008 the City adopted the Source Water Protection Overlay Zone. The Tier III Zone was adopted in early 2008 after Staff worked with some of the landowners affected and the business community on how we could implement this with minimum impact on the businesses. One of the challenges of the Source Water Protection Overlay Zone is one of the largest areas that is identified as an Excellent Recharge Area which is where the characteristics of the soils are such that it would encourage infiltration of water into the aquifers. Therefore, we do not want a lot of impervious cover in those areas and the challenge is that a lot of that is along Route 13 which is the business corridor of the City.

Mrs. Townshend further stated that Staff worked through these issues and one of the things that are in the Ordinance that was developed closely with DNREC is a procedure for contesting delineation of the Source Water Protection Overlay Zone. The way it works is when the State of Delaware in conjunction with the Delaware Geological Survey developed the recharge maps for the State it was done through soil borings that were taken throughout the State to come up with an approximation of areas based on their drainage characteristics. The Excellent Recharge Areas given to us by DNREC were developed by the Delaware Geological Survey using a very clear methodology; however, done at a statewide scale. Under the procedure for contesting the delineation, a property owner can use that same methodology and do borings on their property to get a finer level of detail where the boundary of that could change. Because it is the Source Water Protection Overlay Zone, it is adopted as a part of the Zoning Map. It requires a map amendment to fix it.

Mrs. Townshend further stated that in this case, we have a property owner of the Dover Crossroads site which has been proposed as a shopping center previously. That property owner did the soil borings on their property. All the model analysis are prescribed by DNREC and went through several iterations

where DNREC evaluated that and ultimately, DNREC provided us, based on that information, a new layer for the Excellent Recharge Area in this vicinity. If you look at the map that is identified on the overhead screen, the hatched area is what is currently in the Zoning Map as the Excellent Recharge Area. The contracted brown area shows what that final level of detail determined is the actual Excellent Recharge Area.

Mrs. Townshend further stated that what this Zoning Map does is it limits the restrictions to that contracted area and allows a higher level of impervious coverage in the hatched area outside of the brown area. Staff is bringing this forward because it does affect multiple properties as indicated in the Staff report. There are six (6) property owners affected and eight (8) or nine (9) parcels affected. In all of the cases, it shrinks the area it does not enlarge it.

Mr. Ambruso questioned if this was something that if we approve it, do those six (6) property owners have to go out and do something about it? Responding to Mr. Ambruso, Mrs. Townshend stated that they would not have to do anything. This would benefit them as property owners. She would anticipate, just from some of the phone calls that she has received, that they may receive more of these (requests for revisions) in the future. The way that it works is that it is a technical analysis that then gets confirmed through the rezoning process.

Colonel Welsh opened the public hearing.

Mr. Jerry Dunning – Dover International Speedway – Stated that his only comment would be that we too probably would consider coming forth at some point depending on what our future plans may be for some of the area. Just south and west of the subject property that did their testing, we have about twenty-eight (28) acres there that are zoned CPO. CPO zoning means Commercial Office Park. So at some point we may come forward as well such as Delaware State University that was talking about it. Again, it is about testing and the methodology behind the testing, the coring, the soil samples, and drainage of the water into the aquifer. Whether we could benefit from the single finding is unknown until we actually bore by drilling holes into the ground twenty (20) to thirty (30) feet to determine what we need to do.

Colonel Welsh questioned that even with the changes you still would have twenty-eight (28) acres of property that is affected? Responding to Colonel, Mr. Dunning stated that yes, they do.

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

Mr. Holt questioned if there was a possibility that these findings could change? Responding to Mr. Holt, Mrs. Townshend stated that with the Excellent Recharge Area and the different recharge characteristics soils, they are looking at soils that are deep not just in the top horizon of soil. The likelihood of there being any significant change without significant human intervention is somewhat unlikely.

Mr. Holt further questioned if it was something that could be undone if something were to be built on it. Responding to Mr. Holt, Mr. Dunning stated that typically when these areas are identified they are identified from shallow determination or not many determinations. There were really not many drilled samplings of the condition of the soil to depths that are being required to test it properly. This is why he believes that they left this open to people whose lands are affected to decide to spend money to take

the study further to determine whether it is an accurate understanding what is there today or not. DNREC nor any other State agency cannot afford to do deep sampling of all the lands in Delaware to determine where these Excellent Recharge Areas are. They look at soil conditions on maps primarily to pick the areas and then do some sampling of the area to look at the soil. DNREC looked at this property back two (2) or three (3) years ago when this first came up and they were there half a day of looking around. So it is not like the developer in this case went out and hired a consulting firm to drill deep into the ground. DNREC must feel satisfied that the deeper test results were accurate more so than their findings that they could do in the field.

Colonel Welsh stated that they do have the engineer here who did the testing in the audience and he would ask that she come forward.

Mrs. Lester stated that to further expand, the procedure that has been outlined by the Delaware Geological Survey states that for sites between twenty (20) and two hundred (200) acres the maximum number of borings that a consultant can submit is ten (10). They do not want to be overwhelmed by data they just want either supplemental supporting data or data that contradicts the line that Delaware Geological Survey and DNREC put together.

Colonel Welsh questioned the likelihood that the situation would change over time? Responding to Colonel Welsh, Mrs. Lester stated that the likelihood that the deeper soils would be affected is highly unlikely unless there is some manmade fills constructed at the site. Whether it is a cut excavation or a fill that is the only way that the surficial geology would change. It is not likely that there would be huge excavations made at the site to change the deeper soils. The only thing that would change is the surface cover.

Mr. Nichols questioned if this amendment would have to go back to City Council? Responding to Mr. Nichols, Colonel Welsh stated that it did. This is a motion to City Council.

Mr. Nichols moved to forward to City Council a recommendation to approve MI-12-06 Comprehensive Zoning Map Amendment: SWPOZ – Tier 3 to include the Ordinance of #2012-11, seconded by Mr. Holt and motion was unanimously carried 8-0 with Mr. Friedman absent.

Meeting Adjourned at 8:55 PM

Sincerely,

Diane Metsch
Secretary