CITY OF DOVER PLANNING COMMISSION
February 21, 2012

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday February 21, 2012 at 7:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Baldwin, Mr. Shomo, Mr. Tolbert, Mr. Ambruso, and Mr. Friedman. Mr. Holt, Mr. Nichols and Colonel Welsh were absent.

Staff members present were Mrs. Melson-Williams, Mrs. Townshend, Mrs. Duca, and Ms. Cornwell. Also present was Mr. James Skeans, Mr. Doug Liberman, Mr. Colin Faulkner, Mr. Solomon McCloskey and Mr. Gregg Moore. Also speaking from the public was Mr. Mitchell May, Mr. Richard Zuckerman, Mr. A.C. Lucas, Mr. Thomas Byrns, Mr. Edward Baker, Jr. and Mrs. Bonnie Reidy.

Mr. Hemmig reminded the Commission and audience that application Z-12-01 Lands of Reidy, Lucas & Klewans would not be heard this evening due to inadequate public notice; however, the Comprehensive Plan component of the application will be heard this evening.

Mrs. Townshend stated for clarification there are two (2) applications that involve this property. One is the Comprehensive Plan Amendment application that will be heard this evening; second is the Rezoning application that will be rescheduled for next month.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 17, 2012

Mr. Tolbert moved to approve the regular Planning Commission meeting minutes of January 17, 2012, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Holt, Mr. Nichols, and Colonel Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the Planning Commission Quarterly Workshop is scheduled for tomorrow, February 22, 2012 in the City Hall Council Chambers at 4:00 PM.

Mrs. Townshend further stated that there is an upcoming Audio Web Conference scheduled to be held at the Kent County Administration Building on March 14, 2012 entitled "Urban Agriculture and Food System Planning." This is part of the APA webinar series.

Mrs. Townshend further stated that the next regular Planning Commission meeting is scheduled for Monday March 19, 2012 at 7:00 PM in the City Council Chambers

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings of January 23, 2012; Safety Advisory and Transportation Committee on January 25, 2012 and the regular City Council meeting of February 13, 2012.

Mrs. Townshend further stated that with regards to interim structural changes within the City of Dover, Mrs. Sharon Duca is now serving as the Interim City Engineer. Since 2006 a number of functions that had previous been under Planning and Inspections had been moved to what was known as Public Services and for Water/Wastewater these functions had been moved to be combined with the Electric Department and Public Utilities. During the interim transitional phase, at this time, those functions have been moved back to Planning and Inspections as it was prior to 2006.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

S-10-03 South Dover Plaza at 560 & 600 Bay Road – Request for a second one year extension of the commencement of construction for a Site Development Master Plan project. This project consists of a Minor Lot Line Adjustment Plan and Site Development Master Plan to permit the construction of a 142,825 S.F. shopping center and associated site improvements. The project is located on two parcels of land totaling 12.9371 acres ± and is zoned C-4 (Highway Commercial Zone). As part of the application, the two parcels are to be consolidated into one parcel. The subject area is located on the south side of Bay Road across from the Kent County Levy Court. The owner of record is S.H.E. Holdings, LLC. Property Address: 560 & 600 Bay Road. Tax Parcels: ED05-077.00-01-09.00-000 and ED05-077.00-01-09.00-000. Council District 2. *This Site Development Master Plan application received conditional approval on April 19, 2010 and a one year extension for the start of Phase 1 on March 21, 2011 thus requiring the Administrative Site Plan for Phase 1 be approved and construction commenced by April 30, 2012.*

Representatives: None

Ms. Cornwell stated that they are looking for their second one year extension for commencement of construction for the Site Development Master Plan. The project consists of a minor lot line adjustment and the Site Development Master Plan to permit the construction of 142,825 square feet of shopping center and associated site improvements.

Ms. Cornwell further stated that the application was originally heard two (2) years ago and they are still working on the plans to get finalized.

Mr. Ambruso moved to approve a one year extension for S-10-03 South Dover Plaza located at 560 & 600 Bay Road, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Holt, Mr. Nichols and Colonel Welsh absent.

HI-10-04 and S-10-12 Wesley United Methodist Church: Elevation and Canopy Addition: Architectural Review Certification – Review of a Revision Request for the fence height originally approved with the Architectural Review Certification of the project; the request is for an increase in height to five (5) feet from the approved height of four (4) feet. The project involves construction of an elevator tower and adjoining canopy to serve as an accessible entrance to the church building along with a vehicular exit (right out only) onto South State Street. The project site is zoned RGO (General Residential and Office Zone) and subject to the H

(Historic District Zone) and SWPOZ (Source Water Protection Overlay Zone). The property site is located on the east side of South State Street between Loockerman Street and North Street. The owner of record is the Trustees of Wesley United Methodist Church. Property Address: 209 South State Street. Tax Parcels: ED-05-077.09-05-02.00-000 and ED-05-077.09-05-03.00-000. *The application was originally reviewed by the Historic District Commission on May 20, 2010 and with Planning Commission review on June 21, 2010. The Historic District Commission reviewed this revision request on January 19, 2012.*

Representatives: Mr. James W. Skeans, Wesley United Methodist Church.

Mrs. Melson-Williams stated that this is a request for a revision to the Architectural Review Certification for the project that was reviewed as HI-10-04 and S-10-12 for the Wesley United Methodist Church specifically the elevator and canopy addition on the south side of the building.

Mrs. Melson-Williams further stated that this is back before the Planning Commission because the applicant has made a request for a revision to a proposed fence within the project. The revision request was reviewed by the Historic District Commission at their January 19, 2012 meeting as the property is located within the Historic District. This is a request to increase the height of the fence from what was approved at a four (4) foot height to a height of five (5) feet. The fence is proposed on the south side of the building and crosses from the Wesley Church Building south to what is the adjacent property, a brick building to the south. It consists of a fence and a gate that closes across the driveway exit that is a part of this project with a notation that this gate would be open for special service needs as it would allow vehicles to exit from the canopy that has been constructed on the south side of the building.

Mrs. Melson-Williams further stated that the overall project was originally reviewed back in May of 2010 by the Historic District Commission and at that time, the recommended height was four (4) feet for the fence. The Planning Commission similarly, at their June 2010 meeting review of the Site Plan granted the Architectural Review Certificate with the fence being four (4) feet in height.

Mrs. Melson-Williams further stated that some notes on this request are to increase the fence height. By the *Zoning Ordinance,* fences located within the front yard setback on a non-residential property are limited to a height of four (4) feet; however, because this property is located within the Historic District Zone, other proposals may be considered under the Architectural Review Certification process. It has to be found that the architectural style is a general fit and character with the Historic District and then exceptions can be made.

Mrs. Melson-Williams further stated that the Historic District Commission on January 19, 2012 of this year considered the request and did recommend approval of the increase in height to five (5) feet with the motion passing with a vote of 3-1.

Mrs. Melson-Williams further stated that the applicant submitted an example of a nearby fence that was also included in your packet with some photographs during construction that showed the general location of fence to be installed.

Mr. Skeans stated that the existing five (5) foot fence is located between the church and the building that has always been the Barrister Parsonage. In your package, you do have pictures of this fence. He was remiss in the first time that he approached the Planning Commission and did not supply these pictures. He was urged to try again so that is why he is here again this evening.

Mr. Tolbert questioned if the pictures provided in their packets are close to what it will look like? Responding to Mr. Tolbert, Mr. Skeans stated that yes it would be almost exactly like that.

Mr. Hemmig stated that this item did not require a public hearing.

Mr. Ambruso moved to approve HI-10-04 and S-10-12 Wesley United Methodist Church: Elevation and Canopy Addition: Architectural Review Certification to increase the height of the fence as requested, seconded by Mr. Shomo and the motion was unanimously carried 6-0 with Mr. Holt, Mr. Nichols and Colonel Welsh absent.

C-11-04 M & L Ventures, LLC at Lafferty Lane – Review of a Request to Amend the Conditions of Approval for the Conditional Use Site Plan 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 associated Minor Subdivision Plan will create two parcels of 5.46 ± acres and 4.13 ± acres with street right-of-way. 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. Council District 2. *The application received conditional approval from the Planning Commission on June 20, 2011.*

Representatives: None

Ms. Cornwell stated that this is a revision to one of the conditions for approval for the property known as M&L Ventures. The Planning Commission granted conditional approval to the Conditional Use on June 20, 2011 to permit the construction of ten (10) manufactured warehouse buildings. As part of its approval, the City and the Planning Commission required a City street be constructed that bisects this property and connects to the property to the east that would be constructed at the time of building permit for Building #3 is submitted. The applicant is requesting that this be changed to a later date when building permit for Building #5 is requested. Staff is supporting this request and is suggesting that the road not be constructed until a permit for Building #7 is issued.

There were no questions raised from any Planning Commission members at this time.

Mr. Hemmig stated that this application does not require a public hearing.

Mr. Tolbert moved to approve C-11-04 M & L Ventures, LLC located on Lafferty Lane as submitted and the recommended changes as presented by Staff, seconded by Mr. Ambruso and the motion was unanimously carried 6-0 with Mr. Holt, Mr. Nichols and Colonel Welsh absent.

Mrs. Townshend stated for clarification the applicant had requested to be able to defer the construction of the road until prior to Building #6 and Staff is recommending prior to Building #7. Planning Commission noted the requirement for construction of the road would be associated with Building #7.

S-06-19 State Street Commons – Public Hearing and Review of a Request for a waiver of Parking Requirement from 73 parking spaces to 70 parking spaces. This is in addition to the 20% Parking Reduction Waiver previously granted to the State Street Commons Project during review of Site Plan and Architectural Review Certificate permitting the construction of two (2) 2 ½ story office buildings of 12,000 S.F. each for a total of 24,000 S.F. with two level parking garage. The existing brick office building at 502 South State Street consisting of 3,222 S.F. also remains on the site. The property consists 35,061 square feet ± of land zoned RG-O (General Residence and Office Zone) and subject to the H (Historic District Zone). The property is located at the southwest corner of South State Street and Water Street. The owner of record is now or formerly YOZIMA, LLC and the equitable owner is Onix Z Development Group. The property addresses are 502 South State Street, 508 South State Street, and 100 West Water Street. Tax Parcels: ED-05-077.09-03-70.00-000. *The application received conditional approval from the Planning Commission on June 20, 2006 with an extension on June 17, 2007 and Final Plan approval on June 17, 2008.*

Representative: Mr. Doug Liberman, Larson Engineering.

Mrs. Melson-Williams stated that for the Planning Commissioner's there was a Revised Plan that was submitted by the applicant that was provided to you on your desk this evening. Mr. Liberman will discuss that in greater detail.

Mrs. Melson-Williams stated that in summary, this is a request for a reduction in the parking requirements for the Site Plan of the project called State Street Commons. This property is located on the southwest corner of South State Street and Water Street. Previously this consisted of four (4) parcels of land that have now been consolidated as part of the whole process into one tract of land.

Mrs. Melson-Williams further stated that the project involves the existing building at the corner also known as the rectory (the existing brick office building) and then the construction of a new office building for a total of 27,222 square feet of what is proposed as office space. This evening you are asked to review a waiver of the required parking for the site. Previously, when the State Street Commons Project back in 2006 went through the review process, they did request a 20% reduction of the required parking for the project. The project would have required 91 parking spaces and the Planning Commission at that time, approved the 20% reduction which made the total parking requirement for the project 73 parking spaces.

Mrs. Melson-Williams further stated that this evening they are requesting relief from an additional three (3) parking spaces for the project. If approved, that would give the project a total parking requirement of 70 parking spaces. During construction, there were some changes that were made to the lower level of the parking. In this building, it has a two level parking garage that is tucked in behind the two buildings. The upper level remains unchanged with thirty-three parking spaces provided on that level and the remaining parking spaces being located

on the lower level. Originally, it was proposed to have 41 spaces on the lower level; however, as a result of complying with building and fire codes related to egress from the building, several parking spaces had to become no parking areas and as a result, there where parking spaces lost. This was discovered when the Planning Staff was completing Certificate of Occupancy inspections on the property itself.

Mrs. Melson-Williams further stated that if granted, the three (3) parking spaces would result in what is a total reduction of twenty-three (23) space for the site. The *Zoning Ordinance* for the City of Dover does allow the Planning Commission to consider adjustments to the parking requirements as long as they do not exceed 50% of the required parking for the project. Staff has provided a series of recommendations on the waiver request as follows: Staff supports the requested waiver of 23% subject to the following conditions: on site they install a bicycle rack to provide parking for five (5) bicycles and that second, they seek opportunities for off-site parking such as a number of ways to approach that including a parking agreement with the State of Delaware related to partial use of the Water Street parking lot that is now State owned or to require parking permits in the various downtown parking lots that are managed through the parking aspect of the Downtown Dover Partnership.

Mrs. Melson-Williams further stated that it is important to note that the Water Street parking lot that is across the street from this property, at the time of the original application, was the bus transfer station and then was public paid parking. That parking lot, in recent years, has gone through a project of its own and was expanded; however, it is parking that is dedicated to the Kent County Courthouse to meet its parking requirements.

Mrs. Melson-Williams stated that Staff is concerned with visitors to the State Street Commons project and how they will find parking. Staff is concerned that they may seek to park in nearby lots that are intended to serve other specific buildings or in nearby residential parking areas.

Mr. Liberman stated that originally, they had 41 spaces shown in the lower part and the way that it was constructed those spaces had to be marked out for the Fire Marshal for egress for the stair towers that serve the building. We ended up being three (3) spaces short total over what we originally proposed. What we are proposing to make up for the parking spaces is we have two (2) spaces in the lower level to be marked out as carpool spaces. The carpool spaces typically count for three (3) regular parking spaces and the five space bike rack has already been constructed on site. This would be an additional seven (7) spaces that would count towards what were originally the seventy-three (73) parking spaces.

Mr. Liberman further stated at this point, the Staff recommendation is to enter into an agreement with the State or others paid for parking. We do not want to do that at this point as this seems like it is a tenant issue where the tenant who moves into the building is going to have to know how many spaces they are going to need or if they will have regular people coming for visitation or additional people using the parking structure itself. We wanted to leave this to the tenant whether they would need to buy spaces off site. We did not want to put this condition on a future tenant right up front.

Mr. Ambruso stated that the letter (see Public Hearing) that was submitted voices their concern; however, has nothing to do with this request; their concern is with the other existing businesses

that are already there and providing parking.

Mr. Tolbert stated to clarify, the transportation transfer lot located across the street is part of that area and now has been designated for the Courthouse for parking. What about the other part? Does any part of that parking facility solve that? Responding to Mr. Tolbert, Mrs. Townshend stated that a portion of it was required to meet the minimum parking requirement for the Courthouse. There was some excess when you look at the lot in its entirety especially with the new added land. This is one of the things that Staff was recommending that the property owner contact the State to find out if they might be able to enter some type of parking agreement so that there would be access to that parking.

Mr. Tolbert further questioned that at this time, there is no public parking? Responding to Mr. Tolbert, Mrs. Townshend stated that previously, while this was a municipally managed lot, it is no longer. It is essentially all parking for the State complex particularly the Courthouse.

Mr. Tolbert stated that he has parked in this parking lot and was not told otherwise or ticketed for parking there. There is a Doctor's office located nearby.

Mr. Hemmig stated that he thought originally, the eastern two thirds of it were designated for Courthouse parking and the western portion of it for public parking. Responding to Mr. Hemmig, Mrs. Townshend stated that there was never a formal determination. It was not required to meet their minimum parking requirement as you go further west; however, there was never any type of agreement for the Downtown Dover Partnership to manage it along with other parking lots. It is essentially just a State lot.

Mr. Hemmig questioned if there is any identification for this parking lot? Responding to Mr. Hemmig, Mrs. Melson-Williams stated that there is one specific entrance to the eastern part of the parking lot which is the bigger section and then access to the western section via the alley that exists. Next to both of those entrances, there are blue State signs that identify the parking lot for visitors to the Kent County Courthouse.

Mr. Friedman noted that the project seemed well built and he had no issues with the waiver; however, he questioned when will we see use/tenants? Responding to Mr. Friedman, Mr. Liberman stated that he was not sure. He knows that they are talking with perspective tenants; however, no one has signed on yet.

Mr. Hemmig opened a public hearing.

Mr. Hemmig stated that Mrs. Townshend would read into the record a letter that was received from a neighboring business.

Mrs. Townshend stated that a letter was received from I. Berry Guerke who is part of Parkowski, Guerke and Swayze Law Firm located at 116 W. Water Street. He states that their offices adjacent to the four-story building housing the State of Delaware Attorney General Offices and the A.I. DuPont Nemours Clinic to the east and the tailor shop to the west. While the clinic and that building park in our parking lot not withstanding signage indicating our spaces are reserved for clients and employees of our law firm. The tailor shop has no parking of its own; however,

we experience a similar chronic problem in the west side of our parking lot where people pull in next to the tailor shop and walk around the fence. When my law firm has a large real estate settlement, conferences, or depositions involving several parties and attorneys, our lot is full meaning we need all of our spaces available for those who are dealing with our law practices. The concern is with further reduction in the parking capacity associated with State Street Commons, it will exacerbate this already problematic situation. We have not yet gone to the length of retaining a towing contractor to monitor the lot and tow unauthorized vehicles. We hope the scope of the problem does not increase to the point where this becomes a necessity to monitor. Sincerely, I. Berry Guerke.

Mr. Mitchell May – on behalf of Client, Colonial Investment located at 104 W. Water Street – Stated that he is proud to say that this building is currently fully leased to major tenants; the Department of Justice with the Attorney General's Office and Nemours Pediatrics. We would concur with Mr. Guerke that parking currently is at a premium in this area. We are barely able to manage our clients and their visitors. We are concerned with the further reduction of parking at this location as it would further tax our location and would be an overflow of parking that will impact our tenants and their visitors as our tenant's satisfaction is important to us. The increased potential cost to hire our own tow truck enforcement to keep outsiders off of our property is also a concern as well as the further reduction that has already been reduced to 73 parking spaces. The reduction of three additional ones will further tax the area and there is no real additional parking right now with the said lot across the street no longer being a City lot.

Mr. Hemmig closed the public hearing after seeing no one else wishing to speak.

Mr. Hemmig stated he noticed that you are removing two (2) parking spaces as a requirement of the Fire Marshal to accommodate their requests. Is this because of the minimum distance from the parking space and the doors to maintain it? Responding to Mr. Hemmig, Mr. Liberman stated that yes, it is so that they can maintain it. The doors open outward so they will need space to clear for that. They cannot readjust parking through the area due to the columns of the building.

Mr. Tolbert moved to approve S-06-19 State Street Commons as submitted contingent upon the applicants acceptance of Staff's recommendation regarding the five (5) bicycle racks being installed and that the applicant seek opportunities for off-site parking from the State of Delaware and from the Downtown Dover Partnership, seconded by Mr. Shomo and the motion was unanimously carried 6-0 with Mr. Holt, Mr. Nichols and Colonel Welsh absent.

NEW DEVELOPMENT APPLICATION

C-11-06 Revised Kent County 911 Center: Parking Expansion at 911 Public Safety Boulevard – Public Hearing and Site Plan Review to permit site improvements to expand the parking lot by twenty-two (22) parking spaces and to create a storage yard area. The subject site consists of one parcel for a total of 5.29 acres+/- of land. The property is situated on the south side of Public Safety Boulevard east of South DuPont Highway (Route 13). The property is zoned R-10 (One Family Residence Zone). The owner of record is the Kent County Levy Court. Property Address: 911 Public Safety Boulevard. Tax Parcel: ED-05-077.14-01-10.02-000. Council District 2. *Waivers*

Requested: Partial Elimination of Upright Curbing and Elimination of Sidewalk. A Revised Plan (1/30/12) has been submitted for review which supersedes the plan from November 2011.

Representative: Mr. Colin Faulkner, 911 Public Safety Boulevard, Kent County Department of Public Safety; Mr. Solomon McCloskey, Landmark JCM.

Mrs. Melson-Williams stated that this is a Site Plan that was mistakenly assigned a "C" number which typically denotes a Conditional Use Site Plan; however, a public building in the R-10 zoning district qualifies for Site Plan review and since we released information labeling it as a "C" number, we kept that file number in order to avoid confusion.

Mrs. Melson-Williams further stated that the proposed use this evening that you are considering is an expansion to the parking lot and creation of a storage yard area at the Kent County 911 Center located on the south side of Public Safety Boulevard. The property is zoned R-10 which is a One Family Residence Zone; however, public buildings are a permitted use in that zone.

Mrs. Melson-Williams further stated that the 911 building itself was the subject of a Planning Commission application back in 1997 and at that time, the building was proposed on what was a 3.3 acre tract of land. In the intervening years, they have acquired some additional property to the west of that building and that is where we see this project this evening.

Mrs. Melson-Williams further stated that the overall site now consists of a parcel of land that totals 5.29 acres. There are no buildings proposed for this project. It is a parking lot area that adds some parking to the project site and then a large storage yard area that would be gravel to allow the parking of different emergency response type trailers and equipment type of items. Overall for the site, there is a parking requirement that is based on the total square footage of the building and they are in compliance with that. The Planning Commission in 1997 did an adjustment to those parking requirements so on site there are a total of 59 parking spaces associated with the building and this will add to that some additional parking spaces and then the storage yard area.

Mrs. Melson-Williams further stated that they are requesting two (2) waiver requests this evening. The first is the partial elimination of curbing. The Code requires that curbing occur around all parking lot areas. They are seeking relief in order to assist in stormwater management on the site in directing water to a swale area and then other systems on the project site. They are seeking relief from curbing in the new parking area and then around the entire perimeter of the storage yard. With regards to parking for bicycles, there is a bike rack that is noted towards the building itself.

Mrs. Melson-Williams further stated that the second waiver request is with regards to the elimination of sidewalks. The original project back in 1997 for the smaller southern and eastern portion of the property did have relief from the sidewalk requirements for that frontage of the property. The Planning Commission, at that time, accepted a sidewalk that led out to the street and then the participation of the County in what was, at that time, a proposed multi-modal path on the other side of Public Safety Boulevard that was proposed. The multi-modal path is in place and it leads from closer up by the car dealership along Public Safety Boulevard then leading to the DelDOT complex eventually. They are seeking relief from the elimination of sidewalks as the entire property frontage is required to have sidewalks per the *Zoning Ordinance.* Specifically, the area of real concern is the additional expanded portion of the site. Planning Staff is recommending

that sidewalk be implemented on this portion of the site from the entrance to what would be their northern property line.

Mrs. Melson-Williams further stated that the Planning Staff is supportive of elimination of the sidewalk requirement for the portion of the property that extends towards the DelDOT campus noting the existing crosswalk condition that exists there as well as limitations for implementation because of the wooded area within the right-of-way in that location.

Mrs. Melson-Williams further stated that as part of the project, they are also required to do tree planting. There are some areas of woodland that would be cleared with this project; however, the site, as calculated, still meets the limits on clearing that are established for woodland properties. They are planting a number of trees between the parking lot and Public Safety Boulevard, within the parking island that is created within the parking lot, and then several additional tree plantings on the south end of the parking lot before it again turns into woodland and then the residential area that fronts on Laurel Drive.

Mrs. Melson-Williams further stated that the Planning Staff has provided a series of comments on the application. Specifically included in those comments are our recommendations in regards to those two (2) waiver requests: the one for curbing and the elimination of sidewalk. The Planning Staff is also recommending the installation of additional evergreen plantings along the southern boundary to provide additional year round screening from the residential neighbors to the south. This project does not, under our Code, fall into those properties that need the opaque barrier requirements which is typically the case between residential and non-residential properties. Included in the DAC packet are comments from the other remaining agencies including Public Works Department, Electric Department, and DelDOT with regards to their comments as Public Safety Boulevard is their street and then the Kent Conservation District noting that a stormwater and sediment management plan will be required for the project and then additional comments from the Dover/Kent County MPO in regards to supporting bicycle facilities and the concepts for sidewalks in the area.

Mr. McCloskey stated that we originally submitted our application back in November and the reason that it was delayed is because the County decided to take a proactive approach in meeting with the neighbors. Since that time, we have held two meetings with a group of the neighbors which are to the southwest. They had some great concerns with regards to lighting with the new storage yard and about having additional tree planting screenings and stormwater issues. After meeting with them the first time, we went back and revised our plan and took away some of the additional drainage coming from the DelDOT roadway across the wooded lot that was flooding their backyards. We will now capture that and send it to our pond. We have also ensured them that the tree plantings will go along their properties as requested.

Mr. McCloskey further stated that the next item that he wanted to talk about is the request for the sidewalk waiver. An aerial image was presented to show the existing path that the sidewalk takes. Currently, along Route 13 the sidewalk wraps around and then terminates. Their project is located further down near the woodsedge. The sidewalk crosses over the road and then continues down along the east side of the road. We feel that this offers a safer and better scenario for pedestrians for a couple of reasons. One is that they have to cross this road regardless because there is a ditch that only crosses on the east side of the road. Second, is that the entrance to the Kent County 911

Center has an electronic gate that is motorized and automated. Having pedestrians cross in this area would create an unsafe scenario. In addition to that, emergency vehicles are often departing that area rather rapidly.

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

Mr. Hemmig opened the public hearing.

Mr. Richard Zuckerman – 23 Laurel Drive – Stated that they had the two (2) meetings and he feels that they addressed their questions as neighbors focusing on the stormwater run-off both for the proposed parking addition and questions regarding run-off as currently it is with the existing buildings. The screening issues with the additional trees also addresses our issues. What he has heard tonight sounds very promising and what they heard before was an excellent presentation by those representing the application this evening.

Mr. Faulkner stated that he would briefly comment on some of their issues with regards to the sidewalk. We are a gated facility that is monitored and we try to discourage any kind of pedestrian traffic around our building. As our engineer pointed out, the gates are very heavy and there is a motorized mechanism with a chain that pulls it back and forth and having a sidewalk lead to that particular area may encourage young folks to do things that they typically would not or should not do. When they get to that area, there is another concern that they do have to cross the street to get to the greenway path and while there is a posted speed limit on that roadway, he can tell you from travelling it many times a day, that sometimes it is not observed very well and it becomes somewhat of a freeway and a safety concern for folks who may walk across that road to use the sidewalk as there is a bus stop there for DART. We do like to maintain a certain amount of security when there are folks around the area that get too close to the building. Our dispatcher's monitor the security cameras that we have and it causes them to be distracted when they have to watch the monitors and who is around the facility.

Mr. Friedman stated that he would agree with the request for elimination of sidewalks due to safety reasons; however, he would also not discourage them.

Mr. Hemmig stated that if you came off of Route 13 on the south side of Public Safety Boulevard, you would cross Public Safety Boulevard twice to get to this area. Do we have a plan where it would end? Responding to Mr. Hemmig, Mrs. Townshend stated that they did not as it was not included in their plan; however, it would have to be built in accordance with the DelDOT standards.

Mr. Hemmig further stated that with the crossing of the access entrance he does not think should be a crossing entrance. Responding to Mr. Hemmig, Mrs. Townshend stated that typically, they come all the way in and if you wanted to leave it so that they cross at one point on the other side where it comes in, that would be something that you could specify.

Mr. Hemmig stated that what he is talking about is if the sidewalk is built in from Route 13 how far would it come in down to the property? It would not make sense to have it come down and curve towards the fence because there is no pedestrian access there. It would make more sense to stop it at the curve and cross right over the entrance at the connector. Responding to Mr. Hemmig, Mrs.

Townshend stated that typically, it would come into the site. What Mr. Hemmig is suggesting is that it come across and connect to the other sidewalk that comes into the site.

Mr. Hemmig stated that he would imagine that when the emergency vehicles leave the yard, they are running sirens and lights? Responding to Mr. Hemmig, Mr. Faulkner stated that typically they are running with only lights.

Mr. Hemmig stated the clearing of the woodlands there is an area of new that will be cleared; however, there is also an area of old growth.

Mr. Hemmig further stated that he appreciates Mr. Friedman's stance on the sidewalks; however, he disagrees with the sidewalk portion being built all the way in. He thinks that the sidewalk should be built but not curve in.

Mr. Baldwin questioned if there would be any need for an audible warning between the properties? Responding to Mr. Baldwin, Mr. Faulkner stated that typically, the response of the vehicles is up to the operator. They are supposed to have visual clearance every time they leave the intersection whether it is a red lighted intersection where you would typically hear a siren with oncoming traffic or where there is a green light. They still have to have visual clearance for safety reasons. I think you would find that if we were to hit the siren every time they left the yard and our Staff deploys out of there thousands of times a year, hitting the siren in that particular location would reverberate back through our neighbors behind us and we feel that they would object to that quite strenuously.

Mr. Baldwin further stated that this is not what he was referring to. Suppose someone was on the sidewalk approaching your gates, could there be a light or something to stop them so that they could clear the area? Responding to Mr. Baldwin, Mr. Faulkner stated that the gates have an audible signal when they start to open that sounds like the back-up alarm on a vehicle. During administrative hours during the day, the gates are open and then when administration leaves, the gates are closed. When the emergency vehicles pull out, they will trigger the gate before they get to the gate and it will start to open with a loud beeping, this should alert any pedestrian traffic in the area to hopefully stay away from the gates.

Mr. Baldwin further stated that he would agree with the sidewalk; however, should you consider some type of signage warning people to stay off of your property?

Mr. Hemmig questioned whether we would have any enforcement to consider them to place signage? Responding to Mr. Hemmig, Mrs. Townshend stated that this is a DelDOT right-of-way so we would look to work with DelDOT to put up the appropriate signage.

Mr. Ambruso questioned what would be the cost to put in the full sidewalk? Responding to Mr. Ambruso, Mr. McCloskey stated that it would be between $8,000 and $10,000.

Mr. Ambruso moved to approve C-11-06 Revised Kent County 911 Center: Parking Expansion located at 911 Public Safety Boulevard to expand the parking lot to twenty-two (22) spaces and to create a storage yard. Approve the waiver request for approval of partial elimination of the upright curbing and partial elimination of sidewalk. To also include the Staff recommendations found in the Planning Office comments on Page 6 Recommendation #3 for installation of evergreen

plantings as either trees or shrubs along the western side of the parking expansion and storage yard areas from the nearby residential development, seconded by Mr. Tolbert and the motion carried 4-2 with Mr. Baldwin and Mr. Hemmig voting against and Mr. Holt, Mr. Nichols and Colonel Welsh absent.

MI-12-02 Request for Alley Abandonment: Fulton Street Alley South – Public Hearing and Review and Recommendation to City Council of a request to abandon an improved alley within the Wesley College Campus limits. This request consists of one area: Area #8 – Fulton Street Alley South between North Bradford Street and North State Street Alley West. This request was filed by Wesley College.

Representative – Mr. Gregg Moore, Becker Morgan Group, Inc.

Mrs. Melson-Williams stated that this is a petition to abandon a segment of alley. You have seen some alley abandonments previously for the Wesley College Campus. This portion of alley was discovered by the engineer in preparing some follow-up plans on the previous abandoned streets and alleys. What was discovered is that there is an existing alley named the Fulton Street Alley South that is located spanning between North Bradford Street and the North State Street Alley to the south of Fulton Street. It does not function as an alley. It is basically part of an improved parking lot; however, it exists in the deed record for property in the area.

Mrs. Melson-Williams further stated that the applicant is seeking abandonment of this alley and because it is improved by the parking lot, it has to move through this process with the Planning Commission providing a recommendation that then moves onto the City Council Committee and then to City Council for a hearing on its abandonment. This is located in the middle of what is the existing Wesley College parking lot so the adjacent properties to the north and south are Wesley College owned.

Mrs. Melson-Williams further stated that the Planning Staff is recommending approval of the alley abandonment request finding that this specific alley does not function as an alley within the overall street network of the area and that the area is to be incorporated into the improved parking lot area with the Wesley College Campus Streetscape Enhancement Project that was previously approved by the Planning Commission as part of a Site Development Master Plan. Mrs. Melson-Williams further stated that the Planning Staff has provided some Staff comments in regards to the project noting that the Planning Commission is making a recommendation that ultimately moves onto City Council for consideration. As part of the alley abandonment, it has to go through a Record Plan process to document the transfer of ownership should the abandonment be approved and that any alterations are then subject to whatever plan review processes.

Mrs. Melson-Williams further stated that comments were received from other City Departments: Electric Department, Public Works Department and the Department of Transportation. This application is specific to what is known as Area #8 for an alley abandonment.

Mr. Moore stated that this is just a housekeeping item and Wesley College owns property on both sides so there are no affected property owners.

There were no questions raised from any Planning Commission members at this time.

Mr. Hemmig opened a public hearing and seeing no one wishing to speak closed the public hearing.

Mr. Tolbert moved to forward a recommendation of approval to City Council for MI-12-02 Request for Alley Abandonment: Fulton Street Alley South, seconded by Mr. Shomo and the motion was unanimously carried 6-0 with Mr. Holt, Mr. Nichols and Colonel Welsh absent.

MI-10-06 Revision to Request for Street and Alley Abandonment: Portions of North Bradford Street, Fulton Street, Cecil Street, and Alleys – Public Hearing and Review and Recommendation to City Council on a request for revisions to the conditions of approval for the abandonment of several improved streets and alleys within the Wesley College Campus limits. This previous request for a series of street and alley abandonments for Wesley College (Areas #1-7) was considered by the Planning Commission on April 19, 2010 with City Council action on August 9, 2010 approving the abandonment subject to a series of conditions. The request consists of seven areas: Area #1 – North Governors Avenue Alley West between Fulton Street and Cecil Street; Area #2 – Portion (100 feet) of North Governors Alley West north of Cecil Street; Area #3 – Portion (363 feet) of North Bradford Street south of Fulton Street; Area #4 – Fulton Street between North Governors Avenue and North State Street; Area #5 – Portion (443 feet) of Cecil Street east of North Governors Avenue; Areas #6 – Portion (194 feet) of North Bradford Street north of Cecil Street; and Area #7 – Portion (275 feet) of North State Street Alley West south of Fulton Street. This request was filed by Wesley College. (Resolution #2010-07)

Representative: Mr. Gregg Moore, Becker Morgan Group, Inc.

Mrs. Townshend stated that the Planning Commission previously reviewed and recommended approval and City Council approved abandonment of seven (7) areas of public streets and alleys surrounding the Wesley College Campus. Where that action took place, it is all areas where Wesley College was the property owner on either side of the street or alley with the idea that this right-of-way would just be absorbed into the campus.

Mrs. Townshend further stated that the Planning Commission recommended in favor of the abandonment and then it moved on to the Utility Committee and the motion for approval for the abandonment included that the timing of the abandonment would be such that the City would not give up ownership and maintenance responsibilities until those streets and alleys are physically altered under a Site Plan approved by the Planning Commission. The reason that the approval was recommended that way is because the concern was that if it was just tied to the Site Plan application and not to the actual physical alteration and the Site Plan expired, the concern was that the City would have abandoned these streets and nothing would have happened.

Mrs. Townshend further stated that at this time, Wesley College is moving ahead on this Streetscape Project. They are looking to get started in the very near future and finished by the end of the summer. The challenge is because they do not have the ability to record this as theirs, it is affecting their financing and finalization of their Site Plans.

Mrs. Townshend further stated that from Staff's position, the major concern was that they not be abandoned in advance to the point that we are not going to end up having a streetscape project yet we abandoned the streets. They are happening in tandem as expected and it is more a technical point as to when the abandonment takes place. Staff is comfortable stating that this project is moving forward and that this can now take place.
Mrs. Townshend further stated that the Planning Commissions role is to forward a recommendation to City Council. Coming out of this meeting, there would be a meeting of the Utility Committee and then a recommendation to City Council who would hold a public hearing.

Mr. Moore stated that the Board of Directors at Wesley College has voted and they are proceeding with the project. They want to begin construction as soon as the students depart at the end of the next semester and try to finish before their return in the fall. They have already paid close to $123,000 to Verizon Wireless to start burying utility lines throughout parking lots and the area. The reason that we are here this evening is to take the properties over because there is some funding that the university needs to get from a bank institution and the bank institution wants to make sure they have the properties.

Mr. Moore stated that Wesley College will go ahead with both sides of this project meaning both north and south all at one time so that it is over and there is less construction. A PowerPoint presentation was provided by Mr. Moore depicting where there would be walking paths, benches, seating and garden areas that would enhance the campus. On the north side of Bradford Street, he showed a 3-D version where Bradford Street looking at where the parking lot would be and you can see the streetscape walking path that leads up to the DuPont Building with benches and seating throughout that area. Currently, if you look up Bradford Street and looked at the DuPont building, you would see cars dominating that vision and what he is showing you is what it does for that area.

Mr. Tolbert questioned if the matter with Campus Community School has been resolved?
Responding to Mr. Tolbert, Mr. Moore stated that the Campus Community School is departing. This will be their last semester there and they will move over to the Pear Street location and proceed. Dr. Johnston and the Wesley Staff have communicated with them and they are aware of what is happening with the project.
Mr. Hemmig opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Tolbert moved to forward a recommendation of approval to City Council for MI-10-06 Revisions to Request for Street and Alley Abandonment: Portions of North Bradford Street, Fulton Street, Cecil Street, and Alleys, seconded by Mr. Shomo and the motion was unanimously carried 6-0 with Mr. Holt, Mr. Nichols and Colonel Welsh absent.

MI-12-01 Comprehensive Plan Amendments 2012 – Public Hearing and Review for Recommendation to City Council on a series of Amendments to the *2008 Comprehensive Plan*, as amended, by replacing Map 12-1: Land Development Plan, Map 13-1: Annexation Areas, and Map 13-2 Potential Land Use for Annexation Areas. Ordinance #2012-12. Under consideration are requests from the following applicants:

A. Request from three parcels located at the southwest corner of Forrest Avenue (Route 8) and Mifflin Road to revise the Land Use Classification from Residential

Low Density to Commercial on Map 12-1: Land Development Plan Map. Property Addresses: 4 Mifflin Road, 24 Mifflin Road, and 1510 Forrest Avenue. This is associated with rezoning application Z-12-01.

B. Request from a property located south of South Little Creek Road and east of Horsepond Road to be added to Map13-1: Annexation Areas as a Category 2 Annexation Area and added to Map 13-2: Potential Land Use for Annexation Areas with a Land Use Classification as Agriculture. Property: Portion of parcel ED-00-078.00-01-25.00-000 in the ownership of Eastern Woodlands Holdings, LLC C/o Chris Coker).

Mrs. Townshend stated that we have two (2) applicants that have requested Plan Amendments. For clarity, Staff would recommend that two (2) public hearings be held, one on each. There are two (2) amendments to the *Comprehensive Plan* that have been requested by property owners. One is an amendment to the Land Development Plan which is Map 12-1 and the other is an amendment to the Annexation Plan.

Part A:

Mrs. Townshend further stated that she would start discussion with regards to the Land Development Plan Amendment. This is a change in land use classification from Residential Low-Density to Commercial for the property located at the southwest corner of Mifflin Road and Route 8. This is associated with a Rezoning application Z-12-01 which has been deferred to next month's Planning Commission. This application involves three (3) properties: 4 Mifflin Road, 24 Mifflin Road, and 1510 Forrest Avenue.

Mrs. Townshend further stated the report includes information from the applicant and analysis from Staff's perspective of how this relates to the language in the *Comprehensive Plan* and the broader goals of the *Comprehensive Plan*. In this particular case, Staff has included excerpts of minutes from City Council meetings on January 5 and February 2, 2009 when the *Comprehensive Plan* was initially adopted. At that time, the property owners had requested that this area be viewed as commercial in the *Comprehensive Plan*. You will find in the attached minutes that a number of property owners along Mifflin Road expressed concern about the commercial use of that corner.

Mrs. Townshend further stated in looking at the *Comprehensive Plan* language and the development pattern in this area, there seems to be some degree of justification in that commercial uses are appropriate for that area; however, Staff is aware of some concerns regarding conflict of some of the more intense commercial uses and how they would relate to the adjacent residential properties.

Mrs. Townshend further started that Staff notes that the property across the street that is the location of the WSFS Bank is zoned CPO so this property is shown as commercial in the Comprehensive Plan; however, holds the CPO zoning which is a lower intensity and lower traffic generator. Typically, the operations that you have in the CPO zone have hours that are more compatible than a 24 hour convenience store. One of the suggestions that Staff has made to the applicant is that if the Comprehensive Plan Amendment moves forward with a favorable recommendation, that they look at the zoning and have a zoning that maybe more compatible to a transition between the commercial area and the residential area.

Mrs. Townshend further stated as it relates to the *Comprehensive Plan* itself, the Staff recommendation is that the requested change from Residential Low-Density to Commercial is very much in keeping with the character of the area, the Route 8 area in particular and the description of this area as depicted in the *Comprehensive Plan*.
There were no questions from any Planning Commission members at this time.

Mr. Hemmig opened a public hearing.

Mr. A.C. Lucas – Camden, Delaware – Stated that he is one of the owners of 1510 Forrest Avenue. He would like to reiterate that the *2008 Comprehensive Plan* seems to be consistent. He would also like everyone to take into consideration that this is within the Corridor Overlay Zone so hopefully it would be more suitable as a transitional area because of the enhanced design requirements of that Corridor Overlay Zone.

Mr. Tom Byrns – 1514 Forrest Avenue – Stated that he actually lives at 1514 Forrest Avenue as this is our home. We have lived here since 1985 and have watched Route 8 go from two (2) lanes to three (3) lanes. His concern is commercializing this property as he is adjacent to it. He does not understand how anything could go commercial there and not impede traffic that we already have there now. As we sit there today trying to get out of our driveway at certain times of the day, it is almost impossible with race weekends being the same. This is something that we have lived with because we have lived there a long time. With the idea of commercializing this property, he cannot see how entry and exit could work on Route 8 right now the way that it is. How will they get into whatever commercial goes in there and how are they going to get out? As close as they are to the corner he does not see it working.

Mr. Edwin Baker – 1526 Forrest Avenue – Stated that his first concern is that he is curious as to why there are three properties that are up for rezoning and what will develop here. If it is going to be a situation where there is a type of construction it will be for the business. Because we have had the Wawa store which is where the bank is now which was an overnight operation and his concern would be what is going to be the ultimate limit for this. In other words, he was told at one time that this was going to be the ultimate line for commercial usage and now all of a sudden there are three (3) more properties that have come up which is going to move it a little further. His concern is the type of zoning that it will be. He does not want to see a gas station or a liquor store or a 24 hour service center there. His concern is the type of zoning that you end up recommending. He would assume that no one can divulge who is looking at this property and what it is going to be?

Responding to Mr. Baker, Mrs. Townshend stated that she has not heard anything from the applicant.

Mr. Baker further stated that it is odd that three (3) properties in a row have requested this zoning so there is obviously someone interested that needs a lot of property to build whatever they want to build.

Responding to Mr. Baker, Mr. Townshend stated that the request was for C-2A which is what the Wawa property has which would allow things that are twenty-four hour operations. The WSFS property at the opposite corner is zoned CPO which allows for banks, professional offices,

financial institutions and insurance agencies which tend to be less intense of a use than the hard core commercial uses. The CPO zone when it was developed in the 1990's, was frequently used as a transitional zone between commercial areas and residential areas.

Mrs. Townshend further stated in fairness to the applicant, she will tell you that she only got them the zoning comparison information today so they have probably not made a determination if they will change the nature of the zoning application to either one of those zones. In the Comprehensive Plan Amendment as proposed, it would allow for either of these zoning classifications. This does not mean that they get to choose; it does have to go through the process and either would be consistent with the Plan.

Mr. Baker further stated that his concern is going to be that the zoning eliminates 24 hour service there along with those types of businesses because he can tell you from living here for 40 some years since the commercial area has come they have had several robberies in this area. The Dairy Queen has been robbed, Wawa has had some problems, and the bank has had a hold up once. You can see as a resident, we are starting to get concerned. His other concern will be that once this is rezoned and we find out what it is going to be there he will be concerned as to how they buffer the property from the rest of the residents. The reason for that is that we have livestock behind this area and when it is opened up as you may or may not know, it is hard to see our property at this point; however, when they remove these houses, it will expose our property which we have horses on. This is going to cause a potential problem because he already has some problems with the apartments across the street as he has people who come over and want to stick their hands over and want to feed the horses. As this moves forward these are the things that we would like to see addressed.

Mrs. Bonnie Reidy – 4 Mifflin Road also known as 1512 Forrest Avenue – Stated that the concerns that have been brought up today have been brought up many times before. She has been a resident of Mifflin Road for twenty-eight (28) years and when they first moved there, it was a country setting. We then went to five (5) lanes of traffic with the turn lane in the middle with several accidents happening on the corner as they still do. The traffic concerns are going to become more evident once the high school comes in and there is no stopping that right now because that is in the making and we will have a lot of younger drivers. She does not see the traffic as being the issue here because the traffic is already there. She does not see how that is going to change anything. As far as bringing in people who are unwanted, their own house on the corner was also robbed, these things do happen. She does not see with changing this from Residential to Commercial that it is going to change any of that.

Mr. Hemmig closed the public hearing after seeing no one else wishing to speak.

Mr. Hemmig stated that he understands that people commenting on this the last time at the Planning Commission meeting and City Council meeting are here again. He has personal concerns with the types of commercial uses without some restrictions. You are jumping the creek here and going into heavy residential areas.

Mr. Friedman stated that we have spent a lot of time in working with the WSFS Bank and the Wawa site making sure that the WSFS was a lower level of density. He would not be in favor of zoning this to C-2A as it is in a residential neighborhood area.

Mr. Baldwin questioned if this application moves forward, there will be a hearing on the rezoning correct? Responding to Mr. Baldwin, Mrs. Townshend stated yes, the Rezoning hearing will be scheduled for next month. This only changes the *Comprehensive Plan* which technically under State law would have to happen before we could rezone the piece to either C-2A or CPO.

Mr. Ambruso stated that he was not comfortable with changing the zoning just for the sake of changing it. We already know what it is; we do not know what it will be.

Mr. Hemmig stated that he would agree with Mr. Ambruso as he is opposed as we have the *Comprehensive Plan* laid out as medium residential and he feels that it should stay that way.

Mr. Ambruso moved to forward recommendation to City Council to deny MI-12-01 Comprehensive Plan Amendments 2012 Part A- request to change from Residential Low-Density to Commercial, seconded by Mr. Friedman and the motion was unanimously carried 6-0 with Mr. Holt, Mr. Nichols and Colonel Welsh absent.

Part B: Request from a property located south of South Little Creek Road and east of Horsepond Road to be added to Map 13-1: Annexation Areas as a Category 2 Annexation Area and added to Map 13-2: Potential Land Use for Annexation Areas with a Land Use Classification as Agriculture.

Mrs. Townshend stated that this is for property that is located east of Horsepond Road and south of South Little Creek Road that is to be added to the annexation area. Currently, there are properties adjacent to this that front Horsepond Road that are within the Category 1 Annexation area. In keeping with the policy of limited or no growth east of State Route 1, the larger properties that are east of Horsepond Road and south of South Little Creek Road were never included in the annexation area. The property owner of this property had approached the City and is working with a solar energy provider to look at the idea of developing solar energy on the site. There have been some discussions with the City in this regard and with the Dover Air Force Base on how the energy could be used. At this point, her understanding is that neither the Base nor the City has committed to purchasing energy from a solar facility here. Neither the City Electric Department nor the Base has determined whether there is any interest in pursuing that. This cannot be considered for annexation unless it is in the annexation area. The applicant has requested that this area be added to the annexation area as Category 2 with a Land Use Designation of Agriculture.

Mr. Friedman left the meeting at 8:40 PM leaving quorum for the remainder of the meeting at five (5) members.

Mrs. Townshend further stated that Staff has received the PLUS comments regarding this application and there was not a lot of detail provided on this particular area from the State because it is Level IV and because it is east of State Route 1. The State does not object to the Plan Amendment because of the restrictions of the Airport Environs Overlay Zone and the fact that we would be looking to bring it into an Agricultural zone.

There was no comment from any Planning Commission members at this time.

Mr. Hemmig opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Hemmig stated that it makes sense to bring this as future area for annexation.

Mr. Ambruso moved to forward recommendation to City Council of approval for MI-12-01 Part B Request to take into the Annexation Area of Map 13-1 and 13-2 as a Category 2 with the Land Use Classification of Agriculture, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Mr. Holt, Mr. Nichols, Colonel Welsh and Mr. Friedman absent.

Meeting Adjourned at 8:43 PM

Sincerely,

Diane Metsch
Secretary