**CITY OF DOVER PLANNING COMMISSION**
**QUARTERLY WORKSHOP**
**February 23, 2011**

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Wednesday, (due to Holiday) February 23, 2011 at 4:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Mr. Shomo, Mr. Baldwin, Mr. Nichols, and Mr. Ambruso. Mr. Friedman, Colonel Welsh, and Mr. Holt were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, Mr. Albert, and Ms. Metsch. Also present were Mr. Gregg Moore and Mr. James Galvin.

**Presentation – Dover Transit Center Neighborhood Plan**
Mr. Moore provided a Power Point presentation.

Mr. Moore further stated that there are a few key things to consider with this Plan: try to get a continuous zone in the Downtown that will allow for the multi-use development to occur, the park on the Saint Jones River, and upgrading walking paths. There are a lot of other things in the book that are not a part of this that give the Downtown Dover Partnership and Staff some good tools to start implementing change.

Mr. Galvin stated that he would add that so far the MPO (Metropolitan Planning Office) and the DDP (Downtown Dover Partnership) own this Plan. We are asking for buy in from the City of Dover to use it. We have taken this Plan to several different venues and to their own MPO committees: the Technical Advisory Committee and the Public Advisory Committee and they endorsed it. We ask that you look at it and endorse it as well.

Mr. Galvin further stated that Clarence Eng, one of the principals of Renaissance Planning Group had made an arrangement with him to come and give a class on Form-Based Code. We are planning on doing that sometime in late March. This will be sponsored by the MPO and meant for Kent County folks, communities, and planners. We are involving the Delaware Chapter of the APA in that if other folks want to join from New Castle and Sussex County they can.

Mr. Moore stated that their next step will be to take the Plan to the State agencies to create a joint group that plans for office growth in our Downtown so that we know they stay in our Downtown and to leverage the state investments that are happening at the Courthouse in a way that is planned so that it works with this Plan.

Mr. Hemmig questioned the Planning Commission members if this is something that they would like to take a closer look at before they make a formal motion?

Mr. Ambruso stated that he felt that this is something that they do need to look at further. By endorsing their efforts he does not think there are people in the community who are willing to put time in to doing this. When he first looked at the plan, he was a bit upset because he was looking at all these buildings and thinking that this is a pipe dream; however, listening to the presentation it makes sense. He can see that it is doable over a long period of time.

Mr. Hemmig stated that one of the things that we need to be aware of is that at a Quarterly Workshop as this one is, we cannot take votes or action on anything. It would be more appropriate if we reserved this as an item on the Planning Commission Agenda for next month's meeting in March.

Mr. Tolbert questioned if everything was a go, how long would it take to implement this Plan? Responding to Mr. Tolbert, Mr. Moore stated that the Plan that shows identification to the west is 20-35 years. He talked about parking garages and they are 10-15 years away. We do not currently need parking garages even though everyone says that there is no parking Downtown. He goes by North Street everyday and sees fifty (50) parking spots that are open. It is not that we do not have parking. We are not getting the people to the parking and it does not have the identity. If we build some of these buildings we are going to need parking 10-15 years down the road.

Mrs. Townshend stated that she would add that the Planning Staff has already worked a number of aspects of implementation of this into our Annual Work Plan and our Staff goals. We intend to be working on this immediately. In terms of a zoning classification that better fits Downtown what Staff has talked about is taking the C-2 zoning, changing the zoning text because the bulk standards are good for the Downtown to encourage the uses that this document envisions.

Mr. Shomo stated that he was so impressed and anytime within the three (3) years that he has been on the Commission, Mr. Moore and his company is here in front of us, he is impressed with his professionalism.

Mr. Nichols stated that the City has gone down. At one time the City was a bustling place and it has, in the last two (2) years, strictly gone down. There are a few people that have come and built new buildings and have tried to enhance some areas in here. There is a lot of work to be done and there is a lot in this book. It is going to take a lot of private people and a lot of State money in order to enhance what we want and what Mr. Moore is talking about, a walking community. This is a big job to do. As he has seen it over the years, and he has watched it, he has worked here for many years and everything was congealed together. It seemed at one time, like New Street, New Street was a beautiful residential street as well as Kirkwood Street. Unfortunately, those streets have been sold to people who now use them as rentals and all they wanted was the money. They did not care about it so they just let it go down. Even Governors Avenue has gone down to nothing. Wesley College has bought a lot of properties in this area and they have helped a lot by tearing them down and just leaving them vacant lots. This can be done; however, it is going to take a lot of private people and State people in order to enhance this project.

Mr. Tolbert stated that it is also going to take good Code Enforcement and we do not have that in the City. A lot of properties deteriorate and nothing is done about it. Long before they deteriorate there should be adequate enforcement to prevent that and that it does not happen.

Mr. Galvin stated that one of the reasons to do a Plan like this is to have something on the books to say that it is a great idea; otherwise, you are leaving it up to the vagaries of development. Things happen to happen the way they happen. There is no vision for the neighborhoods or idea of what it could look like.

Mr. Baldwin stated that this is a great long range plan; however, for his own edification he would ask a question. When he first came on this Commission, we went through a similar project like this and it was called the West Side Entrance and he has not heard anything else about it. Is that a part of this Plan or is that West Side Entrance something different that will be addressed later on? We had similar books and how the West Side was going to look with some type of traffic circle around the clock near the Duncan Center. It was a beautiful layout to beautify the West Side which went along the railroad tracks with a rail corridor from Dover to the Wilmington area for commuters. Responding to Mr. Baldwin, Mr. Hemmig stated that this was another longer term plan. It overlaps a little bit with this area; however, it was more concentrated on Loockerman Street going across the railroad tracks to the West Side of the tracks and that whole industrial area along that side of the tracks. That Plan still exists with its concept.

Also responding to Mr. Baldwin, Mrs. Townshend stated that it does still exist and portions of it, if you look at the Duncan Center, something like that was contemplated in this area. The Downtown Dover Partnership has purchased some of the property in the industrial area on the Chesapeake Supply site. The City of Dover has been working with Century Engineering with federal funds on a concept for the extension of Clarence Street up to Forrest Street that would essentially open up this area. Part of the challenge of implementing the Plan for the West Side particularly on the West Side of the tracks is that this area of land is somewhat land locked as it does not have good road access. At the end of the environmental review process, we will determine an alignment for an extension of Clarence Street. Once that happens, it will help to open up the area between what will be Clarence Street and the tracks. The Downtown Dover Partnership did complete the clean-up of the Capitol Scrap site which was also part of the West Side plan and now is the site of the new NAPA Plan that is under construction. Next year you might see something from the Inter-Cultural City League on the south side of the property.

**Planning Commission Comments and Concerns**

Mr. Hemmig asked for any comments or concerns and at this time, there were none from any Commission members.

**By-Laws**

Mr. Hemmig stated that Staff has been undertaking a review of our By-laws and are making recommendations for changes based on what we desire and to do some clean-up to make things better.

Mrs. Townshend stated that the only thing that Staff has done is incorporate the language that was voted on back in August regarding election of officers on a secret ballot and a three consecutive one year terms for the Chairman and Vice-Chairman. What Staff did determine is that the By-laws, prior to those two small changes, had not been updated since 1995. What Staff wants to do is give you a proposal that takes out the stuff that is very dated or irrelevant. Staff will bring forward that presentation at the next Quarterly Workshop.

**Parliamentary Procedure**

Mr. Hemmig stated that he asked Mrs. Townshend to place this on the agenda. A presentation was provided to this Commission last June and although it is not a requisite that we formally adopt "Robert's Rules of Order" or anything else he would like the chance to talk about it and see if there were any thoughts or changes that you would like to implement. One of the things

that stood out in his mind was the fact that in normal parliamentary procedure a motion always is stated in the affirmative. A lot of times our motions are very negative such as "we move to deny this." Responding to Mr. Hemmig, Mrs. Townshend stated that this is an affirmative action. It is not, not approving it.

Mr. Hemmig further stated that there were other things presented for streamlining for instance if the Chairman reads the next agenda item that actually becomes the motion on the floor or if someone wants to make a formal motion, you can then amend the motion along the way and have votes on those amendments and then take a final vote on the amended full motion."

Mr. Hemmig further stated that he would like for you to look this (Handouts from Parliamentary Procedure Training) over and think about it. If you have any comments or recommendations please let me know.

Mrs. Townshend stated for those Commission members that were not on the Commission at that time, there was a full presentation given by the parliamentarian who was here so we can forward a copy to you to look at.

Mr. Hemmig stated that one of the things that was brought up was the more you adhere to proper rules of order, the better chance you have of maintaining your position should something go to court. A couple of our decisions have been taken to court. Often something could be overturned if not following the "Robert's Rule of Order."

Mr. Shomo stated that up until the last few meetings, we have always, after the Pledge of Allegiance said a moment of silence and we are not doing that any more. Is there any particular reason for that? Responding to Mr. Shomo, Mr. Hemmig stated that he as Chairman has the authority to set the agenda for the meetings. His personal feeling was that the Pledge of Allegiance was sufficient as far as opening the meeting with some form of ceremony. In City Council they have an actual prayer and a Chaplain available to lead a prayer and he felt this was just too formal for this body and this meeting. If members of the Commission feel strongly the other way, he would be glad to listen to that. He felt uncomfortable creating a prayerful situation.

## DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

### Status of Ordinance Amendments

Ms. Cornwell stated that 2010 was a rather busy year for text amendments as we did almost a half dozen or a little bit more than that. Currently, in the review process that you will be seeing next month, there is a "Solar and Wind Energy System Amendment" that will be coming forward. We are currently in the middle of drafting Article 10 which is the process and procedures of Conditional Uses, Site Plans, and Historic District Commission. Staff is also working on swimming pools. As part of our Work Plan the Planning Office does annually, we have come up with almost a dozen more areas and topics that need to be updated regarding text amendments. With the Airport Environs Overlay Zone, the Air Force Base adopted a new Noise Zone Study so the City will have to update that so we will be looking at that. Also, a lot involving the charrette and looking at the Commercial and Industrial zones making sure they are up to date and relevant.

Mrs. Townshend stated that while Staff is not inundated with applications, it is a good time to get our Code into good shape so when the applications start coming in we are ready for them. The Industrial and Commercial zones are some of the more antiquated in terms of some of the provisions and were a recommendation of the Comprehensive Plan coming out of the business community. That will be a big project.

Mrs. Townshend further stated that the Department's Annual Report for 2010 would be provided to any Planning Commission member who would like a copy of it. Staff will also be placing this document on the website.

**Summary of 2010 Applications**

Mrs. Townshend stated that in 2010 the application volume was actually up a little bit. Some of that, if you look under Miscellaneous, any text amendments we did are characterized under the miscellaneous as it is internally generated. It is not 97 applications from the outside; however, it is showing a pick-up over the previous year where we also did have some of the miscellaneous text amendments. We went from 29 Site Plans in 2009 to 33 Site Plans in 2010 still ten (10) less than we were in 2008. We are still where we were in the early and mid 2000's. We saw a big drop; however, a significant increase in 2006/2007.

**Other Projects and Research Activities**

Mrs. Townshend stated that Article 10 update is the article of the *Zoning* Ordinance that essentially addresses all of the process and procedures. Section 1 of Article 10 is Conditional Use, Section 2 is Site Development Plan, Section 3 is Historic District Commission, Section 4 is Development and Phase, and Section 5 is Rezoning. Staff started back in the summer to try and update this. It is the melding of a number of directives from City Council into one large project because we had been asked to streamline processes and increase public notice requirements. We are bringing forward something that better reflects the way that things would naturally go through the processes. Coming up with Site Plans for a tiered approach where if it is a change of use where there would be no site changes, no additional pavement, or building addition then it could just go through a zoning review to confirm that it is a permitted use. This is an area where a lot of this stuff has not been updated in fifteen to twenty years.

Mrs. Townshend further stated that the update on the Planning Office 2011 Work Plan is the Ordinances that Staff will be working on and the other major projects. One of the things that Staff has taken over in the Planning Office is responsibility for the City's Stormwater Permit from DNREC which is under the Federal Clean Water Act and updating the Historic District Guidelines with most of the Work Plan being ordinance work.

Mr. Nichols asked Mrs. Townshend to explain the Stormwater Permit. Responding to Mr. Nichols, Mrs. Townshend stated that the City is under a permit from DNREC for stormwater which is the municipal separate storm sewer system that are storm sewers throughout the City. Under that permit, there are six (6) measures that we have a number of activities to perform in each measure. Some of it is public outreach, some of it is Code changes, and some of it is housekeeping practices and mapping of the City's storm sewers. All Departments within the City take part in the various activities. We are now responsible for reporting and tracking.

Mr. Nichols further questioned if this refers back to the Kent Conversation District as well? Responding to Mr. Nichols, Mrs. Townshend stated that we are in the process of developing an MOU (Memorandum of Understanding) with the Kent Conservation District because a number of things that we are required to do it would appear that we have jurisdiction over stormwater. We cannot do it without the jurisdictional body on board with us.

**Educational and Training Opportunities**

Mrs. Townshend stated that there is an APA Audio/Web conference "Mitigating Hazards through Planning" being held on March 16, 2011 at the Kent County Administration Building. We have provided all of the Audio/Web conferences for the year in your packet. One of her favorites is the Planning Law Review" that is where you have the National experts in the area of Land Use Law going through what the major court decisions were that affect how we operate.

**IPA Training Series**

Mrs. Townshend stated that the Institute for Public Administration flyers for classes that are coming up in March, April, and May have been provided in your packet. If you have not been, these are very good classes. There are three (3) very knowledgeable people training on that: Ed O'Donnell, retired from New Castle County, Linda Raab, has worked in Delaware and Maryland for over thirty (30) years, and Max Walton, an Attorney who litigates on behalf of government in Land Use cases.

**Meeting adjourned at 5:28 PM**

Sincerely,

Diane Metsch
Secretary