

CITY OF DOVER PLANNING COMMISSION
September 15, 2025

The Meeting of the City of Dover Planning Commission was held on Monday, September 15, 2025, at 6:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chair Mr. Witham presiding. Members present were Mr. Michael Lewis, Mr. Roach (virtual – arrived at 7:15PM), Mrs. Denney (arrived at 6:45PM), Mrs. Maucher, Mr. Baldwin, Dr. Jones, Mr. Reaves (virtual), and Mr. Witham. Mrs. Welsh was absent.

Staff members present were Mrs. Dawn Melson-Williams, Ms. Sharon Duca, Mr. Dan Griffith; City Solicitor, Mr. Jason Lyon (virtual) and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Mrs. Melson-Williams stated that application Site Development Master Plan S-25-12 Blue Hen Corporate Center Pad Sites Master Plan has been deferred. They received a request from the applicant involving S-25-12 Blue Hen Corporate Center Pad Sites Master Plan. The applicant made that request and the letter was included in your meeting packet. They asked to defer consideration of that application until the next meeting in October. We thought that at this point, since part of their public notice was completed, we needed to take action on it during your adoption of the Agenda. It will be rescheduled for an upcoming meeting, which they believe will be the October meeting and they will have to complete public notice again for that application.

Mrs. Maucher moved to approve the Agenda as presented, less the application S-25-12 Blue Hen Corporate Center Pad Sites Master Plan, seconded by Dr. Jones and the motion was carried 6-0 with Mr. Roach, Mrs. Denney, and Mrs. Welsh absent.

APPROVAL OF MEETING MINUTES OF JULY 21, 2025

Mrs. Maucher moved to approve the Planning Commission Meeting Minutes of July 21, 2025, seconded by Mr. Baldwin and the motion was carried 6-0 with Mr. Roach, Mrs. Denney, and Mrs. Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, October 20, 2025, at 7 PM. We do have applications for that evening so please mark your calendars.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on July 28 & 29, 2025, August 11 & 12, 2025, and September 8 & 9, 2025.

Mrs. Melson-Williams stated that in case you haven't noticed, we are missing a Planning person yet again. Mr. Chris Salzano who had been with us this summer as a Planner II, resigned his position in late August and moved to the private sector and a shorter commute. We are once again looking for a Planner II. We do have a new member of our Planning Staff and that is Mrs. Debbie O'Brien who is joining us. She will be taking over the Community Development Manager position as Mrs. Tracey Harvey will be retiring later this year. There is some overlap

there for training purposes.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the In-Person Meeting and Virtual Meeting using the Webex system.

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS

SB-25-02 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision): Conceptual Subdivision Plan - Public Hearing and Review of a Conceptual Subdivision Plan to create five (5) lots and one residual lot from 2 existing parcels totaling 4.5754 acres to be known as Ekaman Subdivision. The proposed subdivision is to consist of five residential lots with the residual for stormwater management area. The proposal includes the extension and addition of a cul-de-sac to the existing street right-of-way of Jefferson Terrace. The larger parcel is zoned R-10 (One Family Residence Zone), and the additional parcel is zoned R-8 (One Family Residence Zone) with both being located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. Property Address: unaddressed on Jefferson Terrace extension (part of which is referenced as 3.8904 acres of Wyoming Avenue Rear). Property Owners: Wyoming, LLC and Functional Properties, LLC. Tax Parcels: ED-05-077.17-06-02.01-000 & ED-05-077.17-06-13.00-000. Council District 2. *Waiver Requested: Percentage of Lots on a cul-de-sac. This property was reviewed in 2013-2015 as SB-13-06 Jefferson Terrace Subdivision; however, the plan was never finalized. Application for Conceptual Subdivision Plan SB-23-01C was conditionally approved by the Planning Commission in March 2023; previous waiver requests were unsuccessful, and the plan expired. The properties were examined again under Conceptual Subdivision Plan SB-24-01 and were denied by the Planning Commission on August 19, 2024.*

Representatives: Mr. Troy Adams, Mountain Engineering Services Inc.; Mr. Emanuel Ehize, property owner (online)

Mr. Witham stated that there has been a request by a resident to delay this process (for SB-25-02). *(The Chair allowed the resident to speak.)*

Mr. Stephen LeBoon – 1025 Westview Terrace Dover, DE 19901

Mr. LeBoon stated that he submitted a formal postponement request to allow all parties time. He thinks it is the most crucial and critical thing to do at this time. Me and my neighbors are waiting on the Davis, Bowen and Friedel engineer's report of the recent study of the extraordinary water issues in our development. He thinks it's prudent that we receive this Report and its findings in totality so that he and his neighbors can look at it and then we can perceive forward with formal objections regarding this application. This application was denied last year by this same Commission. This has been ongoing for 14 years which is a long time. He would like to get this Report, and so do his fellow neighbors, from the architects and engineers; so, he asks for the postponement.

Mr. Witham asked if he was speaking on behalf of his neighbors. Responding to Mr. Witham, Mr. LeBoon stated yes. He believes that Ms. Joan Siple notified this Commission and there are other neighbors like the Beikers, and Ralph and Jean Taylor who live next door to him. He does not want to revisit this right now; he would just like to get the postponement and then make formal objections like they did last year.

The Chair allowed others to speak on the Request to postpone.

Mr. Tom Frasier – 1102 Monroe Terrace Dover, DE 19901

Mr. Frasier stated that this parcel butts up to his land and he supports the request to postpone this matter.

Mr. Ronald Rhodes – 1112 Monroe Terrace Dover, DE 19901

Mr. Rhodes stated that he has two properties that but up and adjoin the road that crosses Jefferson Terrace Extension. He has some concerns about the water too and how they would put the roadway through the two lots that he owns that join up with property being six to eight feet below those road grades. He also supports the postponement of this application.

Mr. Griffith stated that this is just a reminder to the Commission, but the Commission does not vote on applications from members of the public. There can be a motion made by a member of the Commission for postponement that Commission members can act on. But members of the public can make requests to make public comments, but the Commission does not vote on applications from members of the public.

Mr. Lewis asked that given the fact that we already approved the agenda which includes the hearing, are we even allowed to postpone it? Responding to Mr. Lewis, Mr. Griffith stated that you can still vote to postpone the application. Again, it would have to be on a motion made by the member of the Commission.

Mr. Witham asked if the applicant for this application was present. Responding to Mr. Witham, Mrs. Melson-Williams stated yes, he is. Planning Staff stands ready to begin the presentation as we do with all applications with the Staff summary and then there are representatives of the application here. Their engineer is here in the room and the property owner has joined us online.

Mr. Witham stated that they will ask the property owner to state his/her position. He believes that the property owner submitted a letter in opposition. Responding to Mr. Witham, Mrs. Melson-Williams stated that the property owner of the application did not submit a letter. When we would get to public comments, there written public comments that Staff received and we would enter at that time, those items into the record. There are two of those comments that are basically requesting postponement of consideration of the application and then there is a letter of support from another individual that was provided to our office.

Mr. Witham stated that what he is trying to do is allow the folks who are moving forward with this application to state their position on the record. If they do not wish to do so, then he will turn it over to the Commission to decide on this particular application. There may be a person who represents a number of individuals who lives in the community or around the community, who

may oppose this application for the acceptance of this subdivision hearing.

Mr. Adams stated that he is a little bit confused. He is here to represent this application tonight. Responding to Mr. Adams, Mr. Witham stated that he gave him an opportunity to come forward and make an opposition.

Mr. Adams stated that he is not making a statement in opposition. He is here to represent in favor of it. I'm the professional representing the application.

Mr. Witham stated that we have a request for the postponement of the public participation of this application. If you are here to represent the applicant on the conceptual plan, then the question is to you have a position with respect to the request made by the other individuals to postpone this hearing.

Mr. Adams stated that he disagrees with them. Responding to Mr. Adams, Mr. Witham stated so you do oppose.

Mr. Adams stated that he does oppose the postponement.

Mrs. Maucher stated that she doesn't know if this is jumping ahead, but she is curious about the Study and what information it would or would not provide that would generally lead to our decision. If the Study would support or otherwise demonstrate that it's not a good project, then she might be inclined but she doesn't know enough about the Study. If the engineer is available and would like to speak to that or if we go through the whole process and then get to that. She doesn't know the proper process.

Mr. Witham stated let's turn to our Planner who may explain the process. This is the first step of the detailed process that will take place if the Commission hears the preliminary application.

Mrs. Melson-Williams stated that before you this evening there is an application for a Conceptual Subdivision Plan. That Conceptual Subdivision Plan has a review report. Normally, the process includes the opportunity for Staff to summarize that report and then the applicant to speak to their application and then there would be a public hearing. After which time, the Planning Commission could ask questions and then take action in regards to the application. The process for a Subdivision involves this first step, which is this Conceptual Subdivision Plan Review. There is a second step which is a Preliminary Subdivision Plan Review process; again, that requires an application and public hearing before this body. As a second step, it is a more detailed type of submission for that second step.

Mrs. Denney arrived at the meeting.

Mrs. Melson-Williams stated that basically for a Subdivision, it is really a three step process. This Conceptual Subdivision Plan review, the Preliminary Subdivision Plan review, and then the third step is an administrative process to deal with the Final Plat. This evening, it is consideration of a Conceptual Subdivision Plan. What Mr. Witham has been trying to put into the record is the consideration of the request that we have received from a member of the public to postpone

consideration of this application. As noted by the Solicitor, you cannot vote on that action to postpone specifically. It would have to be a motion coming from a Planning Commission member to then act upon.

Mrs. Maucher stated that her question was more to the Report mentioned in the request to postpone. What is that Report? What information would that give us? At this point, are those details necessary? She understands that it's a three step process. This Report that is mentioned is an onsite analysis at the end of all of this.

Mr. Witham stated that we do not have this Report. Responding to Mr. Witham, Mrs. Maucher stated she understand that we are waiting for the Report, hence the request by a resident that is impacted by this development to postpone pending the results of that Study. But she doesn't understand what that Study is.

Mrs. Melson-Williams stated that the member of the public references a Drainage Improvement Study that is underway for the Westview Terrace area which is located to the west of the subject property that is seeking subdivision consideration. The reference to Davis, Bowen and Friedel is an engineering consultant that she believes is under contract with the City to develop that Study. It is called the Drainage Improvement Engineering Support for the Woodbrook Development. Again, that is located to the west. She is not sure if Mr. Jason Lyon can elaborate on what that Study is but she believes that it focuses on an area to the west of where this subdivision is proposed.

Mr. Lyon stated that this Study is to evaluate the drainage concerns of Woodbrook. The scope is to the west of this application. It is west of Westview Terrace; inclusive is the pond that is adjacent to Westview Terrace and upstream of that pond towards the northwest. It should be noted that when this pond drains, it does drain under Westview Terrace to the east to the area of this development.

Mr. Witham further stated that as our Planner indicated, the only way that this application can't be considered is if there is a motion to approve the delay. There is no motion to delay so we will have to proceed.

Mr. LeBoon stated that last time, this project was denied. He is trying to give this gentleman his benefit of the doubt to allow the inspection of the findings of this Report. I am being very fair. I think I should be commended for that. If the postponement is not granted, then hopefully we will seek it from Council in the next few weeks. He just thinks it is in the best interest for this party and all of the neighbors. It says it right here, this project aims to address long standing flooding. He has already said it to this Commission; the Governor's Order has prohibited his property from being built on or near a floodplain. So, I hope you would grant it. Responding to Mr. LeBoon, Mr. Witham stated that you do understand that this isn't part of it. This is a process. The only thing that is before the Commission today is the public hearing of the Conceptual Subdivision Plan. It is not a final application.

Mr. LeBoon stated true, but he is just trying to wait for the Report. If the Report says there is no flooding in the area and contradicts the engineer and 80 years of history, so be it. But he thinks

that is why they have rushed this application. They rushed to get it in here because they know this Report is pending.

Mrs. Denney stated that she is coming in late but she has gone over everything and she is obviously familiar with this application. The last time they were here, she felt that she should have made a motion or at least brought something up for discussion and she didn't. Of course now, it is back again and she is reminded of that. Managing the Town of Camden, being on Board of Adjustment and being involved with the County, and many other things that she has been involved in that involve Planning, the one way that we can get Kent Conservation in there doing what they are supposed to do is to do an evaluation. If need be and the word comes down from Kent Conservation that there needs to be a stormwater management pond or whatever done there, then that comes from the people who know. In doing that, it doesn't always make everybody happy because they tend to be inundated and it takes longer. So, that is never the desire of the developer or the property owners who are trying to do something different. But, if it were to move forward, then Kent Conservation can come in and pretty much the people who will say this can be done and manage the stormwater. Or if there are too many wetlands or whatever the issue is, Kent Conservation is the place to find out. They are not going to find out while we sit around and twiddle our thumbs because they have such a full plate like every other agency. They are not going to go out and do it just because we would like to have information. She just wants to throw that out to the members of the Commission as a food for thought.

Mrs. Melson-Williams stated that Mr. Reaves has indicated that he wishes to speak. She is not sure that he has that ability; if not, she can read what he placed in the chat. She is not hearing Mr. Reaves. Through the chat, he indicates the following: "I believe that the engineer report is crucial to the decision of the Planning Commission. I have a question about the non-receipt of the engineer report."

Mr. Reaves moved to approve the delay of SB-25-02 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision): Conceptual Subdivision Plan pending the review of the engineer report based on their request for the waiver, seconded by Dr. Jones.

Mrs. Denney asked if the delay will be until the Report comes in so that we, with Report in hand, can then make a better decision. Is it delayed or tabled? Responding to Mrs. Denney, Mr. Witham stated that since Mr. Reaves made the motion, he will ask whether that is a friendly amendment to his motion.

Mr. Adams stated that typically he has seen it where he has the ability to testify and represent the application and not get blindsided by this gentleman bringing up something that has been brought up about three times before about stormwater. You have not even heard the fact that there is a Puncheon Run Study that has been done. And if you look in the notes that are here, the Conservation District is okay with the approach of how we are handling the stormwater which satisfies the requirements of the Puncheon Run Study. This community has done this every single time and it is just to confuse the situation. His job as a civil engineer is to project the client. That is part of his duty. Also, he is supposed to meet the intent of the Code and also present a technically acceptable plan that is reviewed by those particular agencies that are experts in those particular areas. We have done that. We meet the intent of the Code. We are on track to

meet all of the technical requirements. That is not an issue. In the Report (Puncheon Run Study) that I just read there is not a problem. So his client, who bought this property in 2022, had a delay at least three times to this point dealing with the stormwater. There is nothing more that he can do. This gentleman has spent his money, paying taxes here, wants to develop this property and, it's an infill situation that is just sitting there. He is going to make all of the improvements. If they are willing to buy the property; great, take it off of his hands but that is not what we are here to do.

Mr. Witham stated that he notes that the Report of the Kent Conservation District is a part of the DAC notes and its advice would be to the applicant. It states that the approved stormwater plans have expired due to construction never taking place. A new set of plans adhering to the current stormwater regulations will need to be submitted for approval. That indicates to him, that in some point in time, we are going to have to hear this engineer report before we can get final approval to your construction plans. As he has said before, this is the first step. He realizes that there have been earlier denials of this project, but this is the first step as a Conceptual Plan. You are going to have to come before this body again as you know because you have done this before. He is pointing out that this is a new plan and it starts again. It is only a preliminary application at this point in time.

Mrs. Denney stated that in the letter that is before us on the screen which comes from Kent Conservation, it does say "they (Kent Conservation District) will be reviewing stormwater management plan for the proposed Ekaman Subdivision. The conceptual layout of the plan appears to align with the recommendation approach for managing the stormwater site for development based on the findings of the Puncheon Run Flood Study. But it says before the proposed plan is approved, Kent Conservation District will complete a detailed plan review and verify that the proposed stormwater management plan meets the requirements of the Puncheon Run Flood Study." While she is certainly empathetic to the fact that this land owner probably feels as though it is the never ending story, but getting just a letter from Kent Conservation is indicative to the fact that they are working on trying to come up with a plan. The other thing that she just wants to add and again, she should have said this when we addressed this before; when Kent Conservation gets in there and makes a stormwater management plan, it is not just going to be for these five lots. It may add great relief to everybody else in that development because there will be room for the water that is now causing issues for the people in that development.

Mrs. Melson-Williams stated that Mr. Reaves did clarify his motion as she thinks that was what you were looking for at one point.

Mr. Reaves moved to table SB-25-02 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision): Conceptual Subdivision Plan until the Report is furnished and the community has had ample time to review and bring this action forward.

Mrs. Melson-Williams stated that she believes that he is referring to the Report that is related to the Woodbrook improvements.

Mr. Witham stated that we will turn to our City Solicitor for comments.

Mr. Griffith stated that this is a very technical point. A “motion to table” requires that it is to be taken up at the very next meeting. You are considering something that may or may not be available for the next meeting. The correct term or be a motion to “postpone” the application.

Mr. Reaves moved to postpone SB-25-02 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision): Conceptual Subdivision Plan until the engineering report (Report for the Woodbrook Development Improvement Study) is furnished and the community has had ample time to review and bring this action forward, seconded by Dr. Jones and the motion was carried 5-2 with Mr. Roach and Mrs. Welsh absent. Mr. Reaves voting yes. Mr. Lewis voting no; in consideration of the fact that this is step one of a multi-step process. We are going to have to be back here at some point anyway. We have somebody at least ready to talk about it. We have multiple studies to still to wait. He says we can at least get started with it. Mrs. Denney voting yes; to give this Commission any opportunity to see the reports and have a better idea of what the engineers are thinking with regard to the stormwater management. Mrs. Maucher voting yes. Mr. Baldwin voting yes; he thinks we should be able to see the reports from the engineer before we can make a decision. Dr. Jones voting yes; she too believes that they should have every bit of information that we possibly can have and if the residents can have as much information as possible in order to make an informed decision. Mr. Witham voting no; he thinks this slows the process down because this is a part of a multi-step process in gaining approval. Eventually, we are going to have to have this Report in before we can finally approve the plan for construction. He knows this has been an ongoing matter and it has been a thorn in their sides for quite some time. It seems to him that any further delay will not be beneficial for the citizens of Dover.

S-25-01 Revised Dover Mobility Center Garage at 133 S. Governors Avenue – Public Hearing and Review of a Revised Site Development Plan Application, Parcel Consolidation Plan, and associated Revised Architectural Review Certification for construction of a four story, multi-purpose parking garage structure to be known as the Dover Mobility Center Garage. The structure is revised to consist of 329 parking spaces, welcome and retail space, a management office, and retail and storage spaces. There have been architectural changes as designed, including the removal of the S Bradford Street garage entrance. The subject site involves a series of parcels in the block between S. Governors Avenue and S. Bradford Street north of Minor Street Alley. The properties are zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The owners of record are the Downtown Dover Partnership, City of Dover, Capital City Transformation Alliance, and Main Street – Dover Inc. Property Addresses: 133 S. Governors Avenue, 139 S. Governors Avenue, 145 S. Governors Avenue, 136 S. Bradford Street, 148 S. Bradford Street, 150 S. Bradford Street, and 132 S. Bradford Street, Dover. Tax Parcels: ED-05-077.09-02-10.00-000, ED-05-077.09-02-09.00-000, ED-05-077.09-02-08.00-000, ED-05-077.09-02-24.00-000, ED-05-077.09-02-25.00-000, ED-05-077.09-02-27.00-000, and ED-05-077.09-02-23.00-000. Council District 4. *Previously Approved: Tree Mitigation Plan. For Consideration: Revised Parking Strategy Statement. This Revised project was the subject of HI-24-09 Revised for Historic District Commission Review and Recommendation on the Architectural Review Certification on August 21, 2025. The project is also associated with MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street.*

Representative: Mr. Mike Riemann, Becker Morgan Group; Mr. Michael Cane, Core States; Mr. JD Bartlett, EDiS Company (virtual); Mr. Todd Stonesifer, President of the Board for the