

## **SB-23-01C Lands of Wyoming, LLC at Jefferson Terrace Extended (Ekaman Subdivision): Conceptual Subdivision Plan**

### **Public Comments Received (as of 2:00 pm 3/10/2023)**

Please see the attached Letters of Objection received by the City of Dover Planning Office regarding Conceptual Subdivision Plan SB-23-01C Lands of Wyoming, LLC at Jefferson Terrace Extended (Ekaman Subdivision): Conceptual Subdivision Plan. One (1) Email noting Objection, and One (1) Email noting Objection with an attachment, have been sent to the Planning Office to be presented to the Planning Commission at their March 20, 2023 meeting.

#### **Attachments:**

- 1) Email from Steve LeBoon, resident of 1020 S. Westview Terrace noting objection to the proposed Conceptual Subdivision Plan and indicating that there will be another communication with more detail to follow.
- 2) One (1) Email again from Steve Leboon speaking on behalf of several other area residents again noting Objections.
- 3) One (1) Attachment (21 pages) submitted with the 2<sup>nd</sup> Email referencing various Reports and Studies, and including the signatures of other area residents:
  - a. Steve and Cassandra LeBoon at 1025 Westview Terrace, Dover DE 19904
  - b. Carrah and Aiden Odell at 1103 Westview Terrace, Dover DE 19904
  - c. Durell Dolph at 1109 Westview Terrace, Dover DE 19904
  - d. Joan Sciple at 1139 Westview Terrace, Dover DE 19904
  - e. Dan Bieker at 1033 Westview Terrace, Dover DE 19904
  - f. Evanelle Geldof at 1131 Westview Terrace, Dover DE 19904
  - g. Dee Schwartz at 312 Mallard Drive, Dover DE 19904
  - h. Janet Deiner at 129 Crescent Drive, Dover DE 19904
  - i. Luke Siler at 330 Wyoming Avenue, Dover DE

**From:** [LeBoon](#)  
**To:** [Melson-Williams, Dawn](#); [CompPlan](#); [Hugg, Dave](#); [LeBoon LeBoon](#); [A cassbaby](#)  
**Subject:** EXTERNAL: Opposition to SB-23-01C Lands of Wyoming, LLC at Jefferson Terrace Extended (Ekaman Subdivision): Conceptual Subdivision Plan  
**Date:** Wednesday, March 01, 2023 8:07:29 AM

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WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, I reside at 1020 5 Westview Terrace, and I am formally submitting an opposition to the proposed application.

I will be putting together, along with my fellow neighbors, critical elements of how this application is detrimental to the stability of my home. It also violates state and federal laws, the ecosystem, federal wetlands, and catastrophic flooding in a floodplain that would directly impact my house and my fellow neighbors.

I request that you hold off any participation in discussing this application until the next hearing so it allows me and my fellow neighbors to articulate the concerns that we have. These concerns have been addressed many many times in the past with the previous owner of that land.

I have cc'd David Hugg and the Mayor so they are included as well.

I will be in touch in more detail in the next few days.

Thank you,

Steve LeBoon  
484-716-4567



Reply

Forward

Hello and good afternoon,

We, collectively, hope this email finds you well. Enclosed are the formal concerns and opposition to the below application for your consideration of granting a permit. We collectively and formally ask that any request or application be denied on March 20, 2023 by the Planning Commission due to the extraordinary safety (catastrophic flooding) issues threatening the homes and that would inflict hardships (financially and emotionally) onto the current residents.

We collectively ask these concerns be entered into the record for the upcoming March 8, 2023 DAC meeting in preparation for the March 20, 2023 meeting. We formally ask the DAC committee to recommend a full denial for the application as the application violates many City, County, State and Federal regulations and laws.

All of the neighbors who signed and present these concerns and formal objections respectfully ask that these statements #1-7 be entered into the record for public comment hearing scheduled for March 20, 2023.

Should any questions arise, please do not hesitate to contact us via emails.

We have also cc'd the Mayor, The Honorable Hall, Mr. Hugg, Councilman Bill and President Roy as they are fully aware of the extraordinary flooding in our communities.

Steve LeBoon  
cell 484-716-4567

SB-23-01C Lands of Wyoming, LLC at Jefferson Terrace Extended (Ekaman Subdivision): Conceptual Subdivision Plan - Review of a Conceptual Subdivision Plan to create six (6) lots from an existing parcel totaling 4.2311 acres to be known as Ekaman Subdivision. The proposed subdivision is to consist of four residential lots, a stormwater management area lot, and a residual lot for residential use. The proposal includes the extension and addition of a cul-de-sac to the existing street right-of-way of Jefferson Terrace. The property is zoned R-10 (One Family Residence Zone) and is located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. Property Address: unaddressed on Jefferson Terrace extension (also referenced as 3.8904 acres of Wyoming Avenue Rear). Property Owner: Wyoming, LLC. Tax Parcel: ED-05-077-17-06-02.01-000. Council District 2. Subdivision Waiver Requests: Alternative Lot Configuration and Reduced Frontage on a Public Street (Stormwater Management Area Lot) and Increased Percentage of Lots on Cul-de-sac. Note: Any renaming of Jefferson Terrace (to Ekaman Way) is subject to a separate review process. This property was previously reviewed in 2013-2015 as SB-13-06 Jefferson Terrace Subdivision; however, the plan was never finalized.

March 3, 2023

**RE: SB-23-01C Lands of Wyoming, LLC at Jefferson Terrace Extended (Ekaman Subdivision): Conceptual Subdivision Plan - Review of a Conceptual Subdivision Plan to create six (6) lots**

Dear Planning Commission and Development Advisory Committee (DAP),

It is a pleasure to formally submit formal concerns and opposition to the proposed application submitted by Wyoming, LLC. Tax Parcel: ED-05-077-17-06-02.01-000.

In the write up listed on the notification dated for March 1, 2023, by the DAC committee, it states, "This property was previously reviewed in 2013-2015 as SB-13-06 Jefferson Terrace Subdivision; however, the plan was never finalized." (**Exhibit A**). Please allow me to formally explain that this is false. The previous owner of the land was the Lighthouse Construction, Inc. and the owner Robert MacLeish personally confirmed to me that their Conceptual Subdivision Plan was initially tentatively approved (expired in 2016 when they failed to comply to the Planning Commission instructions). But they were unable to produce safe utilities that address the extraordinary flooding of the swamp land, as Robert called it. He knew firsthand, just like me my fellow neighbors are fully aware of the *existential threat* over what life looks in the 21<sup>st</sup> century here in Woodbrook community. The most fundamental structural integrity will be taken away from our safe homes because of the catastrophic flooding this open land development poses.

So, what does Lighthouse Construction, Inc. do with this land that has been undeveloped since the 1800's? They sell it to this new buyer, who will run into the same problems. The Lighthouse Construction, Inc. purchased the land for roughly \$400,000.00 and then unloaded it onto this new landowner for a tremendous deal of a whopping \$135,000.00. In my opinion, the Lighthouse Construction, Inc. misinformed the new owner of the land regarding the restrictions that land possesses. However, I am fully aware that the Planning Commission and Development Advisory Committee (DAP) are not responsible for regulatory business transactions.

We are outlining the concerns we have of the violations of law for the granting any permits for this application. We respectfully request that these concerns and safety issues are reviewed for our homes on Westview Terrace and the surrounding neighborhoods.

In the last 14-16 months, Councilman Ralph Taylor addressed the 21<sup>st</sup> century flooding that has taken center stage in our community of Woodbrook and the surrounding communities. Mr. Taylor's presentation was public record (**July 12, 2021 video link <https://www.cityofdover.com/events/60803/>**) and I invite each member on both committees to review his presentation and grasp the true nature in scope of the extraordinary flooding. Most recently, I had to purchase flood insurance because the back of my property butts up to the landowner of the swamp and the water sewer line is overflowing severely and up to my back door. The water drainage system from the Dover Park & Recreation (Delaware Landscaping) runs down hill on Westview Terrace and the water from Governors Ave that runs down Wyoming Ave runs through my back and through the remaining neighbors. There are years of creating blockages in the storm drain and then eventually to the Puncheon run connector run off. The

sewer lines and drainage lines were installed early 1900's for Wyoming Ave and Woodbrook 1950's. These systems are old and cannot support any more water as evidence of the flooding every time it rains. Furthermore, it also floods in front of my house up my driveway. Disturbing the wetlands under my street will cause even more flooding.

The very idea of building one home on the empty swamp land is scary, very scary because of the hazards it will inflict onto my home and my fellow neighbors in a catastrophic manner. Like I said, the well renowned commercial builder Lighthouse Construction, Inc. was unable to build anything due to the flooding and inability to produce one vital plan of utilities that would not impede the laws. There is no reason to think that this new owner will not end with the same result. Their application should be denied at the outset so they don't lose any more money and my community is kept safe from the certain detrimental effects of construction.

#### Item # 1. Kent County, DE Drainage Standards 116-5 Unlawful Act

It will be unlawful for any person, firm or corporations to engage in any land disturbing activity contrary to the approved plans (Kent Conservation District, DELDOT, etc.) or to block, impede the flow, alter the course, construct any structure or deposit any material or thing or commit any act which will affect normal or flood flow in any communal stream or watercourse or property or to cause the same to be done, contrary to the provisions of this code.

#### Item #2. Delaware Erosion & Sediment Control Handbook 1.1.4

The principal effect land development activities have on the natural or geologic erosion process consists of exposing disturbed soils to precipitation and to surface storm runoff. Shaping of land for construction or development purposes alters the soil cover and the soil in many ways, often detrimentally affecting on-site drainage and storm runoff patterns and eventually the off-site stream and stream flow characteristics. Protective vegetation is reduced or removed, excavations are made, topography is altered and the removed soil material is stockpiled - often without protective cover. In effect, the physical properties of the soil itself are changed. The development process is such that many citizens of a locality may be adversely affected even by development of areas of only limited size. Uncontrolled erosion and sediment from these areas often causes considerable economic damage to individuals and to society, in general. Surface water pollution, channel and reservoir siltation and damage to public facilities, as well as to private property, are some of many examples of problems caused by uncontrolled erosion and sedimentation. Potential hazards associated with development include:

1. A large increase in areas exposed to storm runoff and soil erosion.
2. Increased volumes of storm runoff, accelerated soil erosion and sediment yield and higher peak flows caused by:
  - a. Removal of existing protective vegetative cover.
  - b. Exposure of underlying soil or geologic formations which are less pervious and/or more erodible than original soil surface.

- c. Reduced capacity of exposed soils to absorb rainfall due to compaction caused by heavy equipment.
  - d. Enlarged drainage areas caused by grading operations, diversions, and street constructions.
  - e. Prolonged exposure of unprotected disturbed areas due to scheduling problems and/or delayed construction.
  - f. Shortened times of concentration of surface runoff caused by altering steepness, distance and surface roughness and through installation of "improved" storm drainage facilities.
  - g. Increased impervious surfaces associated with the construction of streets, buildings, sidewalks and paved driveways and parking lots.
3. Alteration of the groundwater regime that may adversely affect drainage systems, slope stability and survival of existing and/or newly established vegetation.
  4. Creation of south and west directional exposure of property which may hinder plant growth due to adverse temperature and moisture conditions.
  5. Exposure of subsurface materials that are rocky, acid, droughty or otherwise unfavorable to the establishment of vegetation.
  6. Adverse alteration of surface runoff patterns by construction and development.

#### Item #3 1.1.6 ECONOMIC IMPACTS OF SEDIMENT

Over four billion tons of sediment are estimated to reach the ponds, rivers, and lakes of our country each year, and approximately one billion tons of this sediment is actually carried all the way to the ocean. Approximately 10 percent of this amount is contributed by erosion from land undergoing highway construction or land development. Although these latter quantities may appear to be small compared to the total, they could represent more than one-half of the sediment load carried by many streams draining small subwatersheds which are undergoing development.

Excessive quantities of sediment cause costly damage to waters and to private and public lands. Obstruction of stream channels and navigable rivers by masses of deposited sediment reduces their hydraulic capacity which, in turn, causes an increase in subsequent flood crests and a consequent increase in the frequency of damaging storm events. The aesthetic attraction of many streams, lakes, and reservoirs used for swimming, boating, fishing, and other water-related recreational activities has been seriously impaired or destroyed by bank cutting and channel scour - accelerated by these higher flood stages induced by sedimentation.

#### Item #4. Floodplain Requirements

Since the property in question is has a floodplain incorporated into it, special circumstances are required. For instance:

If the property is located within the 100 year floodplain, an Elevation Certificate is required at the time of permit application. Kent County Code Article XXIV requires:

1. Structures within the 100-year floodplain are to be elevated to 18 inches above the Base Flood Elevation (BFE) unless located in town limits. For structures in Coastal High Hazard areas, the lowest horizontal structural member is to be elevated 18 inches above Base Flood Elevation (BFE).
2. All mechanical and utilities located in the 100-year floodplain must be elevated 18 inches above Base Flood Elevation (BFE)

This requirement will surely force all excess water down to the properties around the property in question. This will force the neighbors surrounding the property to incur damages and suffer financial and emotional distress.

#### Item #5 Wetlands DNREC 2017

The Wetlands run right through the property in question. In fact, the wetland overlap the flood plain (see attached maps Exhibit B). The wetlands are protected federally and construction on the property will disturb the ecosystem. The people of the United States have begun to recognize that wetlands have numerous and widespread benefits. However, many of the goods and services wetlands provide have little or no market value. Because of this, the benefits produced by wetlands accrue primarily to the general public. Therefore, the Government provides incentives and regulates and manages wetland resources to protect the resources from degradation and destruction. Other mechanisms for wetland protection include acquisition, planning, mitigation, disincentives for conversion of wetlands to other land uses, technical assistance, education, and research.

The Corps and the EPA share the responsibility for implementing the permitting program under Section 404 of the Clean Water Act. However, Section 404(c) of the Clean Water Act gives the EPA authority to veto the permit if discharge materials at the selected sites would adversely affect such things as municipal water supplies, shellfish beds and fishery areas, wildlife, or recreational resources. By 1991, the EPA had vetoed 11 of several hundred thousand permits since the Act was passed (Schley and Winter, 1992).

#### Item #6. CHAPTER 75. Delaware Land Protection Act

##### **§ 7503. Purpose.**

(a) State agencies may permanently protect land for the following purposes, to carry out and expand on the intent of the Open Space Program:

- (1) To protect and conserve all forms of natural and cultural resources.
- (2) To protect and conserve the biological diversity of plants and animals and their habitat.
- (3) To protect or expand existing or planned parks, forests, wildlife areas, nature preserves or other recreation, conservation, or cultural sites.

- (4) To preserve sites of special natural, cultural, or geological interest.
- (5) To connect existing open spaces into a cohesive system of greenways and resource areas.
- (6) To provide for public outdoor recreation.
- (7) To allow for water resource conservation.

**§ 7507A. . Open space: criteria, evaluation, and permanent protection.**

(a) To be eligible for permanent protection, an area of land must include or exhibit, in whole or in part, 1 or more of the following criteria:

- (1) Contains rare species, as determined by on-site verification conducted with landowner permission which is provided in writing.
- (2) Has significant potential to support rare species.
- (3) Is a cultural resource site or near a cultural resource site.
- (4) Includes or enhances important wildlife habitat or migration corridors, or potential wildlife habitat or migration corridors.
- (5) Has significant forest resources.
- (6) Has wetlands, floodplains, or other lands necessary for the protection of water resources.
- (7) Contains significant or unique ecosystems, natural features, or geological features.
- (8) Is an inholding, contiguous to or near lands that are already preserved or protected, or planned to be preserved or protected, by federal, state, local, or other conservation agencies, groups, or entities.
- (9) Provides for public outdoor recreation.
- (10) Allows natural systems or plants and animals to accommodate or adapt to climate change or other large-scale changes in ecosystem processes.
- (11) Possesses other characteristics that would make its acquisition consistent with and promote 1 or more of the purposes of this chapter.

**Item #7 Kent County Land Subdivision Ordinance**

**Section 21. Suitability of Land**

1. Land subject to periodic flooding shall not be subdivided for residential occupancy nor for any other use which might involve danger to health, life or property or aggravate the flood hazard, and Such land within any proposed Subdivision shall be reserved for uses which will not be endangered by periodic or occasional inundation.



Because of all the reasons stated above (and there are probably more), the residents of Woodbrook and the surrounding properties request this acceptance of plans to develop the property in question be denied at the early stage and not proceed in any manner as the listed items are grounds for immediately denial for this applicant.

The below neighbors have signed off on the items of concerns as the personal statements were made by Steve LeBoon only, resident of 1025 Westview Terrace. The following neighbors agree 100 % of the laws and statues outlined in this document are comprehensive and they have respectfully asked that the proposed application be denied on March 20, 2023. Just with Item #7 Kent County Land Subdivision Ordinance Section 21. Suitability of Land, the application cannot survive in any manner and has to be legally denied on its merits due to the protections it affords the neighbors.

Truly yours,

Steve & Cassandra LeBoon @ 1025 Westview Terrace

Carrah & Aiden Odell @ 1103 Westview Terrace

Durrell Dolph @ 1109 Westview Terrace

Joan Sciple @ 1139 Westview Terrace

Dan Bieker @ 1033 Westview Terrace

Evanelle Geldof @ 1131 Westview Terrace

Dee Schwartz @ 312 Mallard Dr

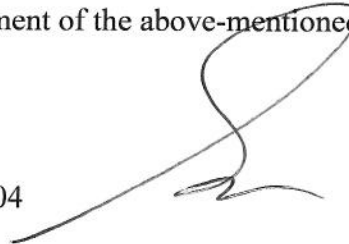
Janet Deiner @ 129 Crescent Dr.

Luke Siler @ 330 Wyoming Ave.

**RE: SB-23-01C Lands of Wyoming, LLC at Jefferson Terrace Extended (Ekaman Subdivision): Conceptual Subdivision Plan - Review of a Conceptual Subdivision Plan to create six (6) lots**

The following are the neighbors of Woodbrook and the surrounding area that are presenting this argument against the proposed development of the above-mentioned property.

Steve and Cassandra LeBoon  
1025 Westview Terrace, Dover DE 19904

 *C. LeBoon* 3-3-23

Carrah and Aiden Odell  
1103 Westview Terrace, Dover, DE 19904

*C. Odell* 3-3-23  
*Aiden Odell* 3-3-2023

Durrell Dolph  
1109 Westview Terrace, Dover, DE 19904

 3-3-2023

Joan Sciple  
1139 Westview Terrace, Dover, DE 19904

*Joan M. Sciple* 3-3-23

Dan Bieker  
1033 Westview Terrace, Dover, DE 19904

*Daniel M. Bieker* 3/4/23

Evanelle Geldof  
1131 Westview Terrace, Dover, DE 19904

*Evanelle Geldof* 3-3-23

Dee Schwartz

*312 Mallard Rd Dee Schwartz* 3-3-23

Janet Deiner

129 Crescent Dr

Luke Siler

330 Wyoming Ave. Dover, DE 19904

*Janet Deiner* 3-3-23  
*Luke Siler*



# MEMORANDUM

City of Dover, Delaware  
Department of Planning & Inspections  
P.O. Box 475 Dover, Delaware 19903  
Phone: 302.736.7196 Fax: 302.736.4217

**DATE:** February 24, 2023  
**TO:** Development Advisory Committee  
**FROM:** Planning Office  
**SUBJECT:** Distribution of Plans for Review and Meeting Announcement  
D.A.C. Meeting of Wednesday, March 01, 2023

The Staff Development Advisory Committee (D.A.C.) Meeting for **Wednesday, March 01, 2023 at 9:00 AM** will be held both In-Person in the City Council Chambers at City Hall, 15 Loockerman Plaza, Dover and as a Virtual Meeting using WebEx. Regular DAC member participants will receive a specific invitation to attend meeting as a Panelist; see email for participation information.

**Public Participation Information**  
**To Attend City of Dover Staff Development Advisory Committee (D.A.C.)**  
**Meeting of March 01, 2023 9:00am**

Join by phone +1-650-479-3208 United States Toll  
Access code: 253 989 65213 (Password: 36837782)

Join Online  
<https://bit.ly/StaffDAC312023>  
Webinar number: 2539 896 5213  
Webinar password: DoverStaffDAC

The Planning Office will be providing the submitted Applications to our Department and Agency reviewers (by paper copy and/or electronic copy) for technical review. Comments should be submitted electronically to the Planning Office via email directly to [dmelson@doover.de.us](mailto:dmelson@doover.de.us) or to [compplan@doover.de.us](mailto:compplan@doover.de.us).

The Applicant Development Advisory Committee (D.A.C.) will also be held as an In-Person Meeting and as a Virtual Meeting on **Wednesday, March 8, 2023 at 10:00AM** with participation information to be released in the future.

## **APPLICATIONS FOR REVIEW:**

1. AX-23-02 Lands of Christina L. Kelleher at 273 Acorn Lane - Review of an Annexation Request and Rezoning Request for a parcel of land totaling 0.611 acres+/- located at 273 Acorn Lane. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed Zoning is R-8 (One Family Residence Zone). The property is located on the west side of Acorn Lane between Revolutionary Boulevard and South Hancock Avenue. The annexation category according to Dover's 2019 *Comprehensive Plan* is Category 1: High

Priority Annexation Areas and the land use designation is Residential Medium Density. The property owner is Christina L. Kelleher. Property Address: 273 Acorn Lane. Tax Parcel: ED-00-068.19-01-13.00-000. Proposed Council District 3. Ordinance #2023-02. *The First Reading of this Annexation Request was held on February 13, 2023. Public Hearing before the Planning Commission is scheduled for March 20, 2023 and City Council on April 10, 2023.*

2. S-23-06 College Road Apartments at Railroad Avenue/Grove Street – Review of Site Development Plan for construction of two 6-story mid-rise apartment buildings with a total of 385 units consisting of studio, 1 bedroom, and 2 bedroom units. The ground level of each apartment building is parking and the other site improvements include six 7-car garage buildings, parking lots, landscaping, and recreation areas. The Project also includes street construction/improvements to Raymond Street and Railroad Avenue. A Lot Consolidation Plan will combine the four parcels located east of Railroad Avenue for a total of 31.08 acres of land. These properties are zoned RG-5 (General Residence Zone for Mid-Rise Apartments). The subject area is located north of, but not adjacent to College Road, and east of the Railroad corridor in the vicinity of Raymond Street, Railroad Avenue, and Grove Street. Property Owners: Patel College Properties, LLC and Patel Excess College Road, LLC. Tax Parcels: ED-05-067.00-02-53.00-000, ED-05-067.00-02-54.00-000, ED-05-067.00-02-55.00-000, and ED-05-067.00-02-56.00-000. Council District 4. *Waiver Requests: Reduction of Parking Requirement. Consideration of Active Recreation Area Plan.*
3. SB-23-01C Lands of Wyoming, LLC at Jefferson Terrace Extended (Ekaman Subdivision): Conceptual Subdivision Plan - Review of a Conceptual Subdivision Plan to create six (6) lots from an existing parcel totaling 4.2311 acres to be known as Ekaman Subdivision. The proposed subdivision is to consist of four residential lots, a stormwater management area lot, and a residual lot for residential use. The proposal includes the extension and addition of a cul-de-sac to the existing street right-of-way of Jefferson Terrace. The property is zoned R-10 (One Family Residence Zone) and is located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. Property Address: unaddressed on Jefferson Terrace extension (also referenced as 3.8904 acres of Wyoming Avenue Rear). Property Owner: Wyoming, LLC. Tax Parcel: ED-05-077-17-06-02.01-000. Council District 2. *Subdivision Waiver Requests: Alternative Lot Configuration and Reduced Frontage on a Public Street (Stormwater Management Area Lot) and Increased Percentage of Lots on Cul-de-sac. Note: Any renaming of Jefferson Terrace (to Ekaman Way) is subject to a separate review process. This property was previously reviewed in 2013-2015 as SB-13-06 Jefferson Terrace Subdivision; however, the plan was never finalized.*

CC: Planning Staff  
Inspections Staff  
Fire Marshal  
City Manager  
Mayor  
City Clerk  
City Council  
City Comptroller  
Sharon Duca  
Jason Lyon

Electric Department  
Parks & Recreation  
Tax Assessor  
Police Chief  
Patricia Marney  
Mark Nowak  
Dover Fire Chief  
Jared Adkins  
Elaine Webb  
Wendy Polasko

Joshua Johnson  
Jim Galvin  
Kent County Mapping  
Michael Tholstrup  
Jim Sullivan  
Robert Ehemann  
Cathy Smith  
Shane Breakie  
Vince Fiorelli  
Sarah Keifer

Matt Jordan  
Milton Melendez  
Todd Stonesifer  
Office of State Planning  
State Historic Preservation Office  
Capital School District  
Caesar Rodney School District  
Andrea Maucher  
Robert Hartman

# **EXHIBIT A**

**Because there were NO formal objections made to the Planning Office regarding the Lighthouse Construction, Inc. by the residents of Woodbrook, contingent application were granted. The residents formally submit, City, State and Federal regulations and laws that prohibit any approval due to restrictions of the land caused by floodplain and the catastrophic flooding and the harm it will cause to the existing homes. We respectfully request that the Planning Commission deny the application on March 20, 2023.**

# City of Dover

March 18, 2015

Mr. Mike Glick  
Mr. Robert MacLeish  
Penntex, LLC  
859 Golf Links Lane  
Magnolia, DE 19962

**RE: Notice of Decision  
Preliminary Subdivision Plan Application: Jefferson Terrace Subdivision on  
Jefferson Terrace, Dover, Delaware  
SB-13-06P Revised**

Dear Mr. Glick and Mr. MacLeish:

At its meeting of March 16, 2015, the City of Dover Planning Commission granted conditional approval of the Preliminary Subdivision Plan for Jefferson Terrace Subdivision in accordance with the conditions of approval outlined in the Development Advisory Committee (D.A.C.) Report dated February 4, 2015 and as noted below. A copy of the D.A.C. Report is enclosed for your reference.

This Subdivision is to create five (5) residential lots and a residual tract of land from an existing parcel totaling 4.23 acres +/- of land. The project also includes the extension of the street known as Jefferson Terrace extending west from Monroe Terrace. Previously, the Planning Commission granted conditional approval of Conceptual Subdivision Plan for The Meadow\* on Jefferson Terrace on November 18, 2013 (\*name revised to avoid conflict with an existing subdivision). The Subdivision project was granted waivers to allow it to exceed the maximum street length of a dead end street and to allow an increased percentage of the lots on the cul-de-sac by the City Council on January 13, 2014 upon recommendation of the Planning Commission. The applicant filed a Preliminary Subdivision Plan SB-13-06P for review in February 2014 meeting the submission timeframe following Conceptual Subdivision Plan approval; however, the review of the application be placed on hold as the applicant's request prior to its appearance before the Planning Commission.

The applicant is responsible for completing the revisions to the Preliminary Subdivision Plan as noted in the D.A.C. Report and per Planning Commission conditions of approval. When all necessary revisions have been completed to prepare the Final Record Plat and associated Construction Plans, please submit a Check Print of the Record Plat and Construction Plans to the Planning Office and other agencies for review. Upon determination that the plat is complete and documentation of the other agency approvals are received pertaining to the Record Plat, you will be advised of the appropriate number of signed and sealed copies for final endorsement submittal and the procedure to record the plat with the Kent County Recorder of Deeds. In addition, the Construction Documents for the project are to be prepared for review and approval by the various agencies including the Planning Office.

The Planning Commission approval of the Preliminary Subdivision is valid until the last day of the sixth month after the date of the conditional approval; for this project September 30, 2015. Prior to the expiration of the conditional approval the applicant must submit an application for Final Plat Approval and take other steps as necessary towards Final Plat Approval in accordance with all conditions outlined in the D.A.C. report and as noted above. Failure to complete the Preliminary Plan and make application for and proceed with Final Plat Review within the six month time period shall render the approval null and void. To apply for an extension of time from the Planning Commission regarding the approvals, the Planning Office shall be in receipt of a letter from the owner/applicant requesting such extension at least 30 days prior to the expiration of the original approval. The letter requesting the extension shall state the reasons why an extension is necessary.

This conditional approval is for the subdivision of the property into lots; the development of each individual residential lot will be subject to Building Permits and associated construction activity permits. Should you have any questions, or require further assistance, please contact the Planning Office at (302) 736-7196.

Sincerely,  
Department of Planning & Inspections



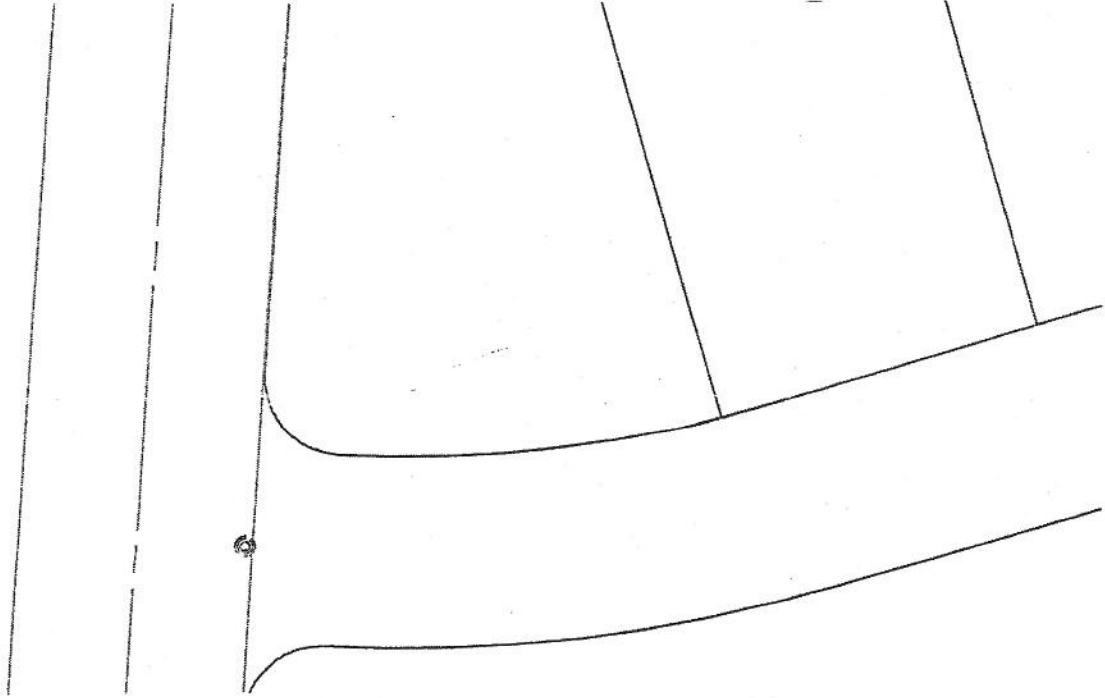
Dawn E. Melson-Williams, AICP  
Principal Planner

Enclosure: DAC Report

Cc without D.A.C. Report unless specified:

Ann Marie Townshend, AICP, Planning & Community Development Director  
Jason Lyon, P.E. Public Works Office  
David M. Kuklish P.E., Bohler Engineering with DAC Report  
File SB-13-06C  
File SB-13-06P Revised







# City of Dover

June 22, 2015

David M. Kuklish P.E.,  
Bohler Engineering  
18958 Coastal Highway, Suite D  
Rehoboth Beach, DE 19971

**RE: Check Print Review (Submission of Final Subdivision Plan)  
Subdivision Plan Application SB-13-06F: Jefferson Terrace Subdivision on  
Jefferson Terrace, Dover, Delaware SB-13-06F**

Dear Mr. Kuklish:

This letter provides the Check Print Review of the Construction Plans for the Jefferson Terrace Subdivision as a continuation of the review process for the subdivision. The Construction Plans of the proposed subdivision infrastructure are to include the utility plans, grading plans, construction details, etc. for the infrastructure.

The Jefferson Terrace Subdivision is to create five (5) residential lots and a residual tract of land from an existing parcel totaling 4.23 acres +/- of land. The project also includes the extension of the street known as Jefferson Terrace extending west from Monroe Terrace. Previously, the Planning Commission granted conditional approval of Conceptual Subdivision Plan for The Meadow\* on Jefferson Terrace on November 18, 2013 (\*name revised to avoid conflict with an existing subdivision). The Subdivision project was granted waivers to allow it to exceed the maximum street length of a dead end street and to allow an increased percentage of the lots on the cul-de-sac by the City Council on January 13, 2014 upon recommendation of the Planning Commission. The applicant filed a Preliminary Subdivision Plan SB-13-06P for review in February 2014 meeting the submission timeframe following Conceptual Subdivision Plan approval; however, the review of the application be placed on hold as the applicant's request prior to its appearance before the Planning Commission. On March 16, 2015, the City of Dover Planning Commission granted conditional approval of a Revised Preliminary Subdivision Plan for the Jefferson Terrace Subdivision.

This Check Print submission was reviewed for compliance with the approved Preliminary Subdivision Plan and in accordance with the *Zoning Ordinance* and with the *Land Subdivision Regulations*. In regards to the Plan sheets, we offer the following comments and revisions:

## **Record Subdivision Plat**

- 1) **A Record Plan Sheet must be prepared for recordation and submitted for review.** This submission did not include a plan sheet(s) identified as the Record Plan. A Record Plan sheet must be prepared for recordation according to the Record Plat requirements of the Land Subdivision Regulations, Article V §C. Currently, Sheet 5: Site Plan has a portion of this information already provided and could be the basis for the Record Plan Sheet.
  - a) Provide a data column on the Record Plan sheet.
  - b) Indicate actions taken on waivers for the subdivision.

- c) Identify the locations of any existing and future easements (drainage, utilities, etc.) on the site and reference documents establishing the provisions of the easements.
  - d) Appropriate deed restrictions and notes on the Record Plan should note the features of this southern area (Parcel 2 area) and the restrictions to development related to the existence of the flood hazard area, wetlands, retention of the woodland as a riparian buffer, tree clearing limitations, etc.
  - e) The Record Plat is not required to show the proposed building footprints on each lot: remove this information. The building setbacks (building restriction lines) can continue to be shown.
  - f) Additional review comments will be provided with the submission of a Record Plat sheet(s).
- 2) Prior to final approval of the Subdivision Record Plat, the Planning Office shall be in receipt of written approval from the following pertaining to the Record Plat:
- a) City of Dover Department of Public Works
  - b) Kent Conservation District
- 3) The Record Plan sheets upon completion of the revisions and any noted revisions from the various agencies must be submitted to the Planning Office for final endorsement for recordation. The Final Subdivision Plat fee must be submitted: the fee is \$150 plus supplemental fee per acre of \$65 per acre for the first 10 acres.

Once the appropriate approvals are received from the other agencies and the Planning Office, the Record Plat will be considered complete and ready for recordation. At that time you will be advised to submit at least one (1) mylar and four (4) paper prints of the signed and sealed (engineer, owner signatures) Final Record Plat Set for the necessary endorsements and signatures. Additional copies may be submitted for endorsement if desired by the design professional, needed for recordation at the Kent County Recorder of Deeds Office, and for the applicants. Once the signatures have been secured on the Plan Set, you will be contacted to pick up the Plans for recordation purposes. The applicant must have the sheets and other appropriate documents recorded at the Kent County Recorder of Deeds and return to the Planning Office three paper copies, one reproducible copy for our records, one 11x17 size copy of the Record Plan and a pdf of the recorded Plan.

#### **Construction Plan Set**

The following comments are provided following review of the Check Print for the Construction Plans for the Jefferson Terrace Subdivision:

- 1) To the extent that any of the review comments given below affect the plan sheets not submitted, the un-submitted plans also must be updated.
- 2) Final approval of the Construction Plan set will not be granted until the Subdivision Record Plan is finalized and recorded.
- 3) Sheet 1, Cover Sheet:

- a) Owner and design professional signatures must reflect dates following the plan revisions made.
- 4) Sheet 5: Site Plan
  - a) In Note #2, clarify that it is "Street" lighting layout that will be provided by the City Electric Department.
  - b) See Comment #6 below regarding the donation in lieu of active recreation area.
- 5) Sheet 7: Provide any necessary utility easements for the private force main line located outside of the right-of-way.
- 6) This Jefferson Terrace Subdivision project is eligible for an exemption of the Active Recreation Area land requirement and the project will require a cash donation instead of identifying an active recreation area of land. The process involves submission of the appraisal information to the Planning Office for review by the Parks Recreation & Community Enhancement Committee City Council, and the Planning Commission. Once the amount is confirmed, the donation must be paid prior to the first Building Permit being issued.
  - a) **The applicant must submit the appraisal for determination and review of the cash-in-lieu donation to satisfy the Active Recreation requirement.** A Review of the appraisal must occur to establish the required cash donation amount in lieu of recreation area development.
- 7) Documentation of plan approval must be received from the following agencies for this project. Please refer to the Comments issued by each agency. If you have received more recent comments and/or approval from any agency, please ensure the Planning Office has a copy.
  - a) Department of Public Works – See DAC Comments. Currently, have plan set for review.
  - b) Office of the Fire Marshal – See DAC Comments. Currently, have plan set for review.
  - c) Kent Conservation District – Review #3 Letter of May 18, 2015.
- 4) Upon completion of the revisions to the Construction Documents Set to the satisfaction of the appropriate agencies and completion of these comments issued by the Planning Office, you will be required to submit to the Planning Office a minimum of three (3) signed and sealed copies of the Construction Documents Set for the necessary endorsements and approval signatures by the Planning Office. Additional copies of these sheet sets may be submitted for endorsement if desired by the design professional and the applicants. To assist the Department of Planning & Inspections in the future building activities for this portion of the PND we will be requesting that you submit the following to this office:
  - One 11x17 sheet set of the Construction Plan Set.
  - Pdf of the Construction Plan Set.

The applicant is reminded of the following advisory comments:

- 1) In the event, that major changes and revisions to the Subdivision Plan occur in the finalization of the Subdivision Plan contact the Department of Planning and Inspections.

These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other commissions making recommendations in regards to the plan.

- 2) The developer shall be aware that Street Lights shall be required to be installed in conjunction with the construction of the extension of Jefferson Terrace. The developer shall coordinate street light placement and electric utility routing and equipment with the City of Dover Electric Department.
- 3) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required. The process for residential development also involves a Pre-Construction meeting with the City of Dover departments and commencement of construction once a "Notice to Proceed" is authorized.
- 4) The applicant shall be aware that Record Plan and Construction Document Plan approval does not represent a Building Permit, Sign Permits, and associated construction activity permits. A separate application process is required for issuance of permits from the City of Dover.

This Check Print submission satisfies the requirement to make application and proceed with Final Plat Review of the project within the six months following Preliminary Subdivision Plan approval from the Planning Commission. This submission was required to occur by September 30, 2015.

In order to complete this process, please complete of the revisions to the plan set as noted above. **The Planning Office is requesting submission of the Record Plan sheet(s) for this project and the Appraisal for determination of the cash-in-lieu donation amount to satisfy the Active Recreation requirement.** Resubmission of the Construction Plan set to the Planning Office is not required at this time unless significant changes are made to the plan as required by another agency. Please continue to complete the necessary revisions to achieve the agency approvals of the Record Plan and Construction Plan Set. Should you have any questions, or require further assistance, please contact the Planning Office at (302) 736-7196.

Sincerely,  
Department of Planning & Inspections

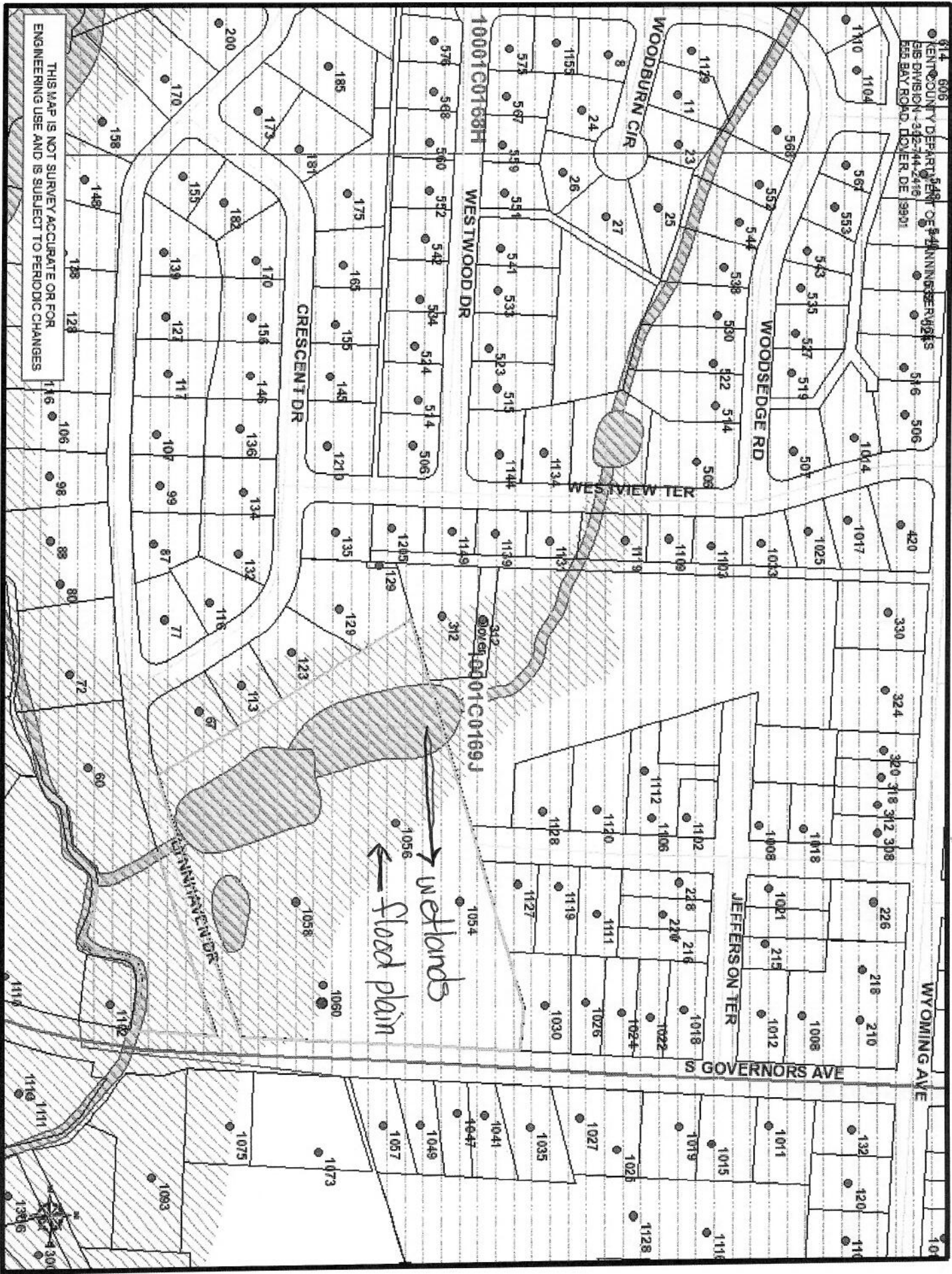


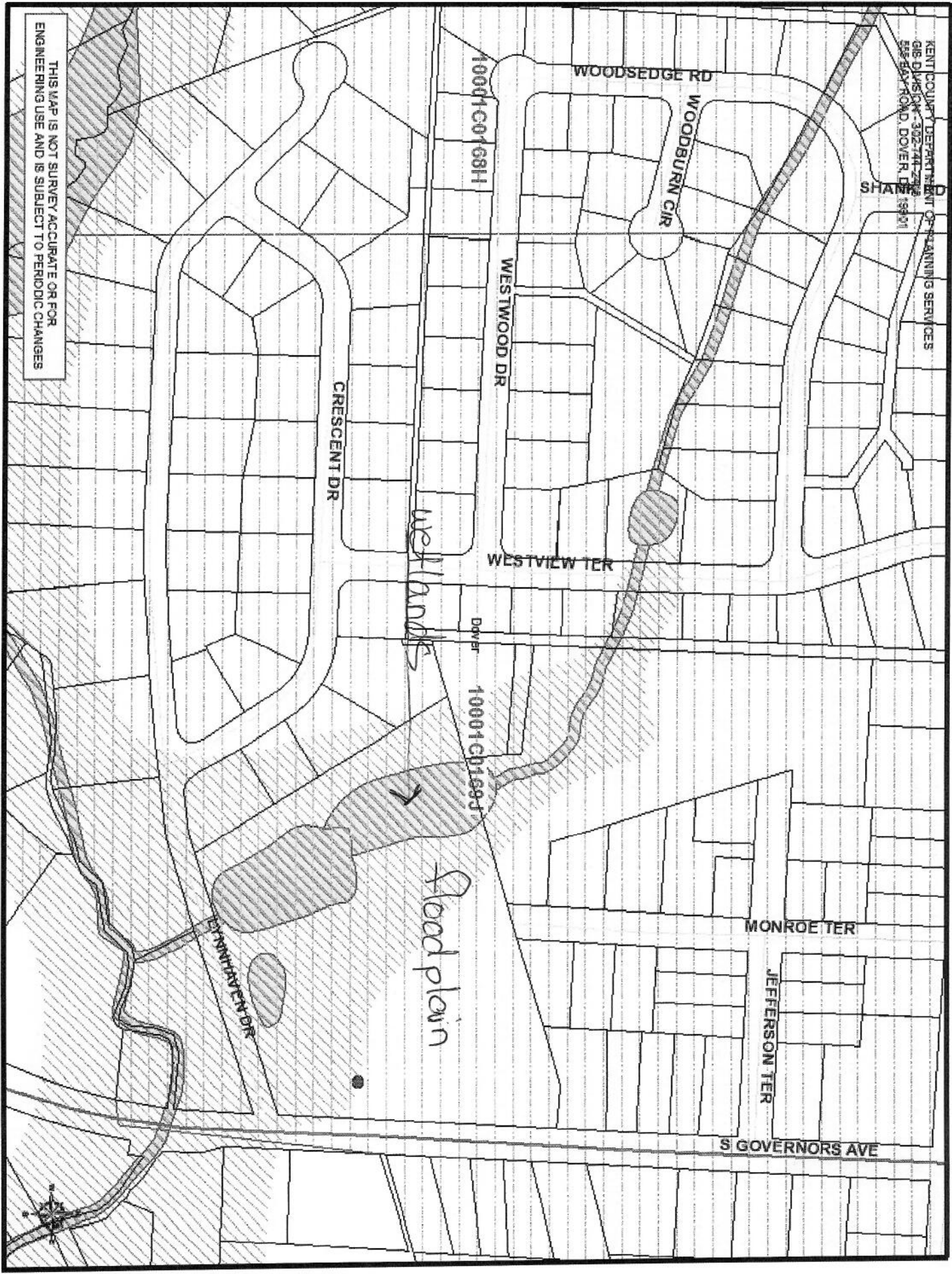
Dawn E. Melson-Williams, AICP  
Principal Planner

Cc: Jason Lyon, P.E. Public Works Office  
Mr. Mike Glick, Penntex, LLC  
Mr. Robert MacLeish, Penntex, LLC  
File SB-13-06C  
File SB-13-06P Revised  
File SB-13-06F

# **EXHIBIT B**









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