

**CITY OF DOVER PLANNING COMMISSION
FEBRUARY 18, 2025**

The Meeting of the City of Dover Planning Commission was held on Tuesday, February 18, 2025, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Vice Chair Mrs. Denney presiding. Members present were Mr. Michael Lewis, Mrs. Maucher (virtual), Dr. Jones, Mr. Reaves (virtual), and Mrs. Denney. Mr. Roach, Mr. Baldwin, Mrs. Welsh, and Mr. Witham were absent.

Staff members present were Mrs. Dawn Melson-Williams, Ms. Sharon Duca, Mrs. Kristen Mullaney, and Mr. Jason Lyon.

APPROVAL OF AGENDA

Dr. Jones moved to approve the Agenda as submitted, seconded by Mr. Lewis and the motion was carried 5-0 with Mr. Roach, Mr. Baldwin, Mrs. Welsh, and Mr. Witham absent.

APPROVAL OF MEETING MINUTES OF JANUARY 21, 2025

Mr. Lewis moved to approve the Planning Commission Meeting Minutes of January 21, 2025, seconded by Dr. Jones and the motion was carried 5-0 with Mr. Roach, Mr. Baldwin, Mrs. Welsh, and Mr. Witham absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, March 17, 2025 at 7 PM.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on January 27 & 28, 2025 and February 10, 2025.

Mrs. Melson-Williams stated that they have not hired any additional Planning Staff so they are trying to make it through. We have a number of openings in our Department across the board in the Department of Planning and Inspections. We are doing a number of annual report type items for 2024 and they will certainly bring some of that information to the Planning Commission at upcoming meetings to kind of give you a sense of what 2024 looked like with the number of applications reviewed.

Mrs. Melson-Williams stated that there is a training and workshop opportunity that they included for the Planning Commission members. It was an “Introduction to Land Use Administration Workshop” that is presented by the University of Delaware’s Institute for Public Administration. That is scheduled for February 26, 2025. It is an in-person event. If you are interested in attending, please let the Planning Staff know and they will get you registered for that session.

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 APPLICATIONS

C-25-01 Lands of 4BL, LLC: Cecil Street Townhouses at 207 N. West Street – Public Hearing and Review of Conditional Use Plan and Minor Subdivision Plan application to subdivide the existing 12,158.214 SF parcel located at the northeast corner of N. West Street and Cecil Street into four (4) townhouse lots (Cecil Street Townhouses). The property is zoned RG-1 (General Residence Zone). The owner of record is 4BL, LLC. Property Address: 207 N. West Street, Dover DE. Tax Parcel: ED-05-076.08-02-01.00-000. Council District 4. *Waiver Request: Subdivision Waiver – Alley Requirement and Waiver for Rear Emergency Access - Alternative. For Consideration: Active Recreation Plan - Cash-in-lieu. This property was the subject of V-24-06 with the Board of Adjustment granting variances for lot depth and lot area on November 20, 2024.*

Representatives: Mr. Cameron Llewellyn, 4BL, LLC; Mr. Doug Liberman, Larson Engineering

Mrs. Melson-Williams stated that this is Application C-25-01. We are talking about a property located at the corner of N. West Street and Cecil Street. The image on the screen has Cecil Street along the bottom and N. West Street on the left as you are looking at it. The property at 207 N. West Street is currently vacant. Previously, there was a residential structure and a garage building on that property that has since been demolished at that location. Proposed tonight is a series of four townhouse lots here on this tract of land. Initially, this project did visit the City's Board of Adjustment and was successful in receiving two Variances. The first Variance was a reduction in the minimum lot depth from 100 feet to 84.5 feet. That was necessary because they are looking to re-orient the lots to face Cecil Street rather than N. West Street. The second Variance approved by the Board of Adjustment is a reduction in the minimum lot area for a couple of the lots; the lots in the center, Lots 2 and 3 in particular. What is before the Planning Commission is a Conditional Use. In the RG-1 (General Residence Zone), the use as townhouses is a Conditional Use, meaning it needs special approval from the Planning Commission. Additionally, any subdivision of land, i.e. one lot becoming more than one lot, also requires review by the Planning Commission. There is also what they call a Minor Subdivision Plan as part of this application. There are several waivers that the Planning Commission will be making recommendations on this evening. The first comes from the *Land Subdivision Regulations* and that is where townhouses are required to provide a rear access alley. This tract of land does have an alley on its eastern boundary; however, with the Subdivision it would require an additional alley across the rear of the property. The Planning Commission can consider a waiver of that if you find that it is infeasible for the development or the design of the townhouses precludes the ability to have such an alley. It will be a recommendation from the Planning Commission that will then move on through a City Council review process for ultimate action. With the townhouses, there are some requirements. Each unit has to be on an individual lot and the maximum number of units in a row is four, which is what we are seeing here. There is also the restriction that you should minimize points of access to the public street and take access from an alley or other shared access where it's available. With this project, they are placing one driveway from the N. West Street location for that corner unit. The two center units have driveways off of

Cecil Street and the remaining end unit is proposed through a Revised Plan to use the existing alley for the driveway access for that unit. With parking for each of these, as noted, there is a driveway which then actually leads to a single car garage. The RG-1 (General Residence Zone) would require that at least one parking space be provided on each property. With this configuration, they are providing two. There are existing sidewalks on N. West Street and on Cecil Street and each unit will also have a connecting sidewalk from those street frontage sidewalks. The second waiver that the Planning Commission needs to consider this evening is for rear emergency access. Our Code requires that townhouses have either an alley or an open rear yard of a certain width for townhouses to be able to access those rear building areas. This would preclude any fencing from being in that location. The applicant is interested in pursuing an alternative to this rear emergency access by doing the installation of a residential fire sprinkler system for these units. This is a proposed alternative that you will need to consider this evening. Again, you will make a recommendation and final action will move onto the City Council for that consideration through their Committee process. The Fire Marshal did weigh in on it in their comments regarding using that sprinkler system as an option for satisfying that requirement and they have noted that in their comments specifically. The building architecture for this property was also presented to the Planning Commission along with a Landscape Plan. They are planting a number of trees which may need to be slightly adjusted depending on where utilities land for these units as they will be serviced by City water and sewer. The architecture for the buildings is basically a two-story structure focused on a very modern look with a steel siding and a flat roof configuration for the units. There is some alteration in color and each of the entries has somewhat of a canopy piece that is over the front door. If we go back to the Site Plan, the other option that we need to discuss tonight for consideration is in regard to Active Recreation. There is a requirement for Active Recreation Areas with residential development; however, our Code does recognize that small developments may need an exemption from that. This applicant has requested to make use of that exemption and what that exemption does is reduce the amount of land area that would be required and instead of providing land and amenities, it offers opportunities for a payment of a Cash-in-Lieu. The Code outlines how to calculate that Cash-in-Lieu. It requires the applicant to submit an appraisal which upon receipt of that, the Planning Office will calculate what the Cash-in-Lieu payment of Active Recreation Area construction is. This was an item that was to be considered by the City's Parks, Recreation and Community Enhancement Committee Meeting on February 11, 2025. That will be considered at their meeting that is now scheduled for February 25, 2025. This evening, Planning Staff is advising that the Commission can continue to review and evaluate this application and that any action taken tonight be conditioned upon completing that review of the Active Recreation Area component of that Cash-in-Lieu fee. What we can do is bring a Report on that back to you at a future meeting, but we wanted to keep the application moving forward since they don't control Mother Nature and her gift of snow for last week.

For Planning Commission members, we have a Conditional Use Application with a Minor Subdivision Plan. You are addressing three types of requests. A Subdivision Waiver related to the Alley requirement for townhouses, the Rear Emergency Access and the Request to use a sprinkler system as the Alternative and then the Active Recreation Area Plan Cash-in-Lieu request.

Mr. Llewellyn stated that he believes that Mrs. Melson-Williams did a fine job in explaining

what they are trying to accomplish but in brief, when they were building the Rail Haus Beer Garden for the Legans Family, we noticed this property sitting here vacant. They attempted to purchase it and save it before the dereliction took over but they couldn't come to terms. Then obviously City Staff took care of the issue and got the building to the ground and gone. They were able to negotiate a purchase of it. Where we are now is that they have adult children trying to move back into our homes, they have trades people and young adults that just can't afford to buy a mansion in a corn field, and this is an opportunity where we can split the cost of this parcel into four and make four really nice, affordable homes there and help some young families get a leg up. Mr. Liberman will elaborate but the Alley requirement from their chair is almost one in the same. They saw in the comments from the (Development) Advisory (Committee) Meeting that Kent Conservation District, the Fire Marshal and the Kent County MPO all agree that they didn't really need an alley and that they would prefer that they sprinkler the building. From our end, they start doing a cost analysis and the cost of non-combustible finishes on the outside of the building and paving that and curb cuts and all of the utilities, far out pays just putting a sprinkler system in this building. A sprinkler system makes it safer for these families if something bad were to happen. Finally, the item that you have for consideration with the Cash-in-Lieu donation, they do believe that between the City Council and the Planning Commission, they should all re-read the *2019 Comprehensive Plan* thoroughly because when you look at this, they are going to take the appraised value of a property and then artificially raise that cost by 10% to hand it over to Parks and Recreation. He understands that they have expenses but he doesn't think young families are concerned about a place to go do pull-ups. He thinks they would rather afford diapers and groceries. He would encourage both entities to revisit that, look at the *2019 Comprehensive Plan* and see where we think that leads. It's not just this parcel. Drive around Downtown Dover and look at all of the empty lots that we have sitting here. Are we discouraging the development of these parcels because we are going to make somebody make this large Cash-in-Lieu payment?

Mr. Liberman stated that he wanted to talk briefly about the two Waivers that they have. First, the Subdivision Waiver for the rear alley requirement, it requires townhouses to have a rear alley and one of the primary reasons they didn't want to do this is because this alley would take up significant green space behind these lots. As Mrs. Melson-Williams mentioned, these are 84.5-foot-deep lots and they don't have a lot of green space at the back. For example, the patched area that you see at the top of the Plan, that is a 20-foot-wide utility easement that they are going to have running down there. So, if they have a twelve (12) or sixteen (16) foot alley running across the back of all of those lots, you can see how much space that would take up. This would also put us at or above the 60% maximum lot coverage required by the Code so we would be asking for another waiver. Again, they are seeking to have green space in these areas as opposed to that. One of the things with the rear alley, the rear alley calls for access. They are going to have to have this utility easement here anyway which they can't build in. They are going to add a provision in within that easement for access so all of these units would have access to that space. Not vehicular but they would be able to go back and forth across that space because with it being a sewer easement, they won't be able to put a fence across there or anything like that anyway. The second waiver for the City of Dover's *Zoning Ordinance* from Article 5, Section 17 again requires either a 16-foot-wide alley or a 16-foot-wide open space, which given this configuration with this easement across the back, he thinks would address that issue. The Fire Marshal is supporting this. This area is going to be open. He thinks as far as these two Waivers; they have

support on multiple sides for them.

Dr. Jones asked what the square footage of each townhouse is. Responding to Dr. Jones, Mr. Llewellyn stated that it is 1,750 SF give or take a few feet depending on which unit.

Dr. Jones asked if there was a particular reason for the flat roof other than perhaps cost. She went through the area and she didn't see any flat roofs. Of course, they are needs to be built up. Responding to Dr. Jones, Mr. Llewellyn stated that when you look at where these units sit, if the two center units have an air conditioner sitting on the ground out back, it is going to take up a significant area that they could use for recreation. They come from the commercial world and we put the air conditioners on the roof. Full disclosure, we do that so people can't steal the copper out of it. He is not concerned about that in this neighborhood, but it was just an easy way for us to solve the problem for where do we put all of these pieces of equipment.

Dr. Jones stated that he mentioned the idea of recreation and then you were speaking Cash-in-lieu of for the active recreation area. She was just interested in your comments that families are interested in nice places to live but if you have families and they have children, they need some place to play and there is not a lot of area. She is not opposed to the idea but your comment was a little interesting. Responding to Dr. Jones, Mr. Llewellyn stated that his kid now looks him in the eye but when she was little, he put her in the buggy behind a mountain bike and he could drag her all around Dover to go to parks and places to play. If you go out onto N. West Street, that is where the bike path is and that will lead these young families to many places where they can recreate. He believes that young families will get on that bike path and go find the parks and so on from there. They did build a very nice restaurant across the street and there is a children's play area there so you can go get a sandwich, a pint and you kids can play in the sand pit too.

Dr. Jones stated that she noticed that the siding is vertical. Responding to Dr. Jones, Mr. Llewellyn asked if she had been to the Rail Haus Beer Garden.

Dr. Jones stated that she has not been in but she has been by. Responding to Dr. Jones, Mr. Llewellyn stated that the same siding they used when they did that build, they just kind of wanted to continue that theme in the neighborhood. Part of that came from the Fire Marshal's Office when they first consulted them. They wanted non-combustible materials on the outside. There is the potential that they might go to more of a board and baton look because with sprinkling the townhomes, if they don't have to do that alley in-lieu of sprinkle then they don't have to use the steel siding and they can use something that would make these a little more affordable. Again, that is why they did a cost study before we just throw something up and say, "oh my gosh no one can afford to live here."

Dr. Jones stated that she was very interested in this particular application. Are these townhouses for sale or rent? Responding to Dr. Jones, Mr. Llewellyn stated that the answer is yes. He will let you know what the monthly rental or the purchase price will be once they finish.

Mrs. Denney stated that she tends to be a little bit more concerned with history here in the Capital City of the State that started the Nation. She likes things to have a little history. There is really nothing that says history in this particular exterior to her unless it were maybe painted to

look like a barn. To her, it doesn't feel like that. She realizes that it is further down the street, but she is just wondering what was the decision maker with regard to this particular view from the street. Responding to that, Mr. Llewellyn stated that they travel a lot and take a lot of pictures of things he sees. They kind of copies off a building that looked really neat in an area not far from here if you go up to Fish Town in Philadelphia. It was an old, dilapidated building that they re-did and they really liked the look of that. One of their challenges here is that they don't want to make all of the other homes in the community to look dated. Across the street, they have a pole barn if you know where Teal Construction is. We are looking at vertical metal siding and then across the street we have multiple churches in the neighborhood that are a combination of architectural genius and some not so much. The Community Center has vertical siding on it two doors down and then its the Beer Garden with vertical siding. They decided rather than doing something completed different and just putting vinyl dutch lap siding like you would see on a townhouse anywhere in a rural area, they would try to emulate some of the things going on in the neighborhood.

Dr. Jones stated that these are townhouses and four individual units, will there be a sprinkler system in each unit? Responding to Dr. Jones, Mr. Llewellyn stated yes, it is not any different than when you walk into a shopping center you see the sprinkler heads poking out of the ceiling tiles. These would just come out of the drywall. They just did a project in Milford where they built ten apartments and they all have a sprinkler in them. It just makes them safer. A family that lives in one unit can't control what happens in the unit next door. They have firewalls between them and a sprinkler that would take care of something. It is fundamentally no different in how it operates according to the commercial end of things, but basically there is a bell ringing outside. If that bell is ringing, it means water is following through a sprinkler head somewhere in that building and it would tell the alarm to go off. It is a system that they do in Maryland. We haven't gotten that far. We have tried it here in Delaware and it hasn't grown traction because unfortunately it is going to raise the cost of a unit. We looked at this about the safety and the cost to put a sprinkler system in versus paving the alley. People get a lot more benefit out of that sprinkler system and peace of mind than they would have to walk out your back door and half of your backyard is asphalt.

Mrs. Denney stated that prior to living in Dover, she lived in Camden, which the center of town is very historic and protected by the National Register. We had very little front yard as it was mostly sidewalk although they did have a back yard. She had plenty of land behind her house and an alley, but frankly she prefers a paved alley. To her, number one you don't have to cut it, the City goes through when it snows and graciously plows the alley because the aprons to our garages are back there. So, to her, she personally prefers an alley. With her grandkids, there were days when they would have bike races and they had a basketball hoop in the alley because their alleys weren't traversed that frequently so you could do that.

Mrs. Denney opened the public hearing.

Ms. Bonnie Pennington – Resident on N. Kirkwood Street

Ms. Pennington stated that she was sitting back there listening to this gentleman and she gets that he wants to build condos out there and she has no issue with that. The issue that she is having is that she doesn't know where he came from but where she lives at, it's all homeless people. That

is the number one reason why they tore that house down. Number 2, there is copper and stuff being stolen off of that street. They watch it every day. Number 3, they are the ones who live on Kirkwood Street that set up a neighborhood watch because of everything that was going on down on that street. She doesn't know what part of town he's looking in but the part that she lives on it is not no saint. There is just as much trouble down on that side of town as there is on the other side of town. The issue with that is that there are no cops that come on that side of town like there is on the other side of town. She has lived on this street for 20 years and for 20 years, the cops have only been there three times. That is because the Elks Club was open. They got the Elk Club shutdown. She gets that he wants to build condos there. She gets that everybody is out to make money. But he needs to do a little bit of research before you start talking about an area that you just built a bar at and you know nothing about it. The community did not want the bar there. We were out voted for that to be there and now they are out voted for the condos to be there. Her question is that you all are talking about parking, but there is no parking on this street. You got the bar, the two churches, and you've got people that live on Cecil Street and Kirkwood Street. Where is everybody going to park? If you ever come out on a Sunday or the night that the club is open, they are bumper to bumper. She literally had to call the cops one night because they were blocking her driveway for her to get in and out. Not only does she live there, but she has an 82-year-old neighbor. They both use that paper alley and that is a paper alley that was not a regular alley. Her and her neighbor fought the City of Dover to get that paper alley paved because it was tearing our car up to get in and out of that alley. She has no disrespect for this gentleman behind her but he needs to do a little more research before he comes in says what he knows about that street. Maybe he needs to start going down to talk to the neighbors and the people that live on that street before he comes in and makes a comment. By the way, there are a bunch of people that don't want to come to these meetings that sent her in here to speak up because they feel what they say doesn't matter anyway. That is not fair to them because they live on that street. The little playground that he is talking about, nobody's kids have played on that playground in 20 years since she has been there. There are drugs on our street, there are homeless people on our street, and there are all kinds of people on that street just like there is on any other street in Dover. Start investigating and start looking at more before you come in and say something that you don't know nothing about.

Mr. Charles White (virtual) – Resident of N. Kirkwood Street

Mrs. Melson-Williams stated that Mr. White typed in the chat online "What is being done regarding parking because parking is now at a minimum due to the new restaurant and the churches?" Responding to Mr. White, Mrs. Melson-Williams stated that with these townhouse units, each of them will have two off-street parking spaces. One in their driveway and one in the garage. There is certainly on-street parking which might be limited by proximity to the corner or not in front of the alley network that's in that area. This project would be meeting its minimum parking requirements for those residential units.

Mrs. Melson-Williams stated that Mr. White has a second question. "Is the project a done deal or is it up for vote approval?" Responding to Mr. White, Mrs. Melson-Williams stated that tonight is the Planning Commission's opportunity to consider this Application and if they feel they have all of the information, will be making a decision on the request to establish these four townhouse lots and some recommendations regarding several waivers that need to go onto other reviews.

Mrs. Melson-Williams stated that Mr. White also asked one of the questions that Dr. Jones asked earlier. "Are these rental properties or purchased homes?" Responding to Mr. White, Mrs. Melson-Williams stated that we did hear from the applicant/developer that it sounds like it could be one and/or the other depending on the future of how the project shapes up. If they are rental properties, there is a requirement for a Rental Dwelling Permit. It is an annual process with the City. But they likewise could sell each unit.

Mr. Donny Legans – owner of 92 N West Street and 112 N Water Street

He is a resident of Dover and owns Rail Haus and the old Double Diamond Recycling Center next door as well. He is calling in to show his unwavering support for the proposed project located at 207 N West Street adjacent to those two properties. The plan to have more density and residents lines up perfectly with the mini plan circulating regarding our Downtown: *Restoring Central Dover* that was written back in 2015 and now the Master Plan *2030 Capital City Plan*. The idea of giving homeowners a different style house, he thinks is a winning strategy for Downtown in general, especially Dover that needs this win. It's just the different value that is placed on mixed use and the variety style housing that Mr. Llewellyn mentioned earlier. The idea that a young homeowner or young family looking for housing has the big mansions in Eden Hill versus coming right to Downtown. All of our elected officials think that having more diversity of housing, having more residents Downtown really just helps us all. He is very familiar, obviously, with the developers tied to this project and will say that Rail Haus was their Exhibit A for them and what they can do for Downtown. The truth is, they have a track record of choosing Downtown repeatedly whether it is the boutique shop on Loockerman Street or picking Reed Street as their company headquarters or bringing in one of the preeminent festivals to Loockerman Street every year. They consistently chose Dover. Rail Haus just happened to line up perfectly with what they already represented in the Downtown area. He is sure that their craftsmanship and attention to detail will immediately be felt and seen as the project gets off the ground. On a personal note, they picked him, this novice restaurant, several years ago when the prospect of opening a restaurant was bleak. It was right around COVID when they got tied into the project. This is a chance for him now to say very publicly how much of a gamble that was and they never wavered in that commitment through the entire process. The second thing that they are doing today which is the DAC, the PC, all of the public hearings and the meetings and then actually going to build this place and more sure it stands up to the test of time. They have done that consistently and they will continue to do it even before his project and now it's great to see them not just building a restaurant Downtown that's been an absolute success over the last 15 months but doubling back down and investing right across the street. He thinks it's an amazing thing and it's a treasure to have them around and still be around with this new project that's going on.

He is glad that he gets to support them very publicly on this latest Downtown Dover property. He fully supports this project and he looks forward to seeing another vacant lot Downtown get new life. That was sort of his written remarks. Now as he listens to this, he will add that there are two parks less than a block away in either direction. He grew up in Los Angeles. He lived in Philadelphia for many years and one of the biggest selling points for living Downtown or living in these bustling places is how quickly people can get to green space. Like the neighbor mentioned earlier, no one goes to these parks and so we pay these in-lieu taxes to prop up these parks but then we also require the buildings to have green space behind it and recreation areas.

But both can't not co-exist, but you almost need people to go to these parks. You can go to a Dover park right there on Mary Street, literally a block away or go the other direction to the south on Division Street and S. Kirkwood Street where there is another fantastic basketball court/playground that his kids play at sometimes. It's just having those places activated and used by residents. He hopes that the neighbors understand that Rail Haus does a lot for the area. We give back an awful lot. He thinks that the lady that just spoke before him, she actually approached him before to be a vendor. On March 8, 2025, we have the Women's Market and we would love to have your scarves that you showed me about a month and a half ago to be one of our vendors there.

Mrs. Melson-Williams stated that Mr. White made some more comments and she is going to see if he would like the opportunity to speak.

Mr. Charles White – 206 N. Kirkwood Street Dover, DE 19901

Mr. White stated that this house has been in his family since 1937. He just moved here from Los Angeles. He lived in Los Angeles for almost 47 years; so, he knows L.A. better than he knows Dover at this point in time. His problem is parking. He understands that the Planning Commission has a duty to prescribe and designate areas where the City can get the most revenue. That is their job; to produce revenue barring properties in the City. But we must also take into consideration the parking liabilities. He has not been to the Rail Haus but he drives by there almost every day and he commends the gentleman for bringing such a facility to Dover but parking for that facility is especially hard when church is in session. He doesn't know any place in this world where a Planning Commission would put a Beer Garden in front of two of the most iconic black churches in the City. To build a Beer Garden right across the street is deplorable. He doesn't know how the Planning Commission could have even thought of anything like that. But they did. When church is in session and the Beer Garden is in session, there is nowhere to park within two or three blocks. He knows that because he goes out of that street every day. The guy talked about the playgrounds that are on each ends of the street. He lived in L.A., he knows what a City block is and believe him, the playground is on Mary Street and Kirkwood Street is more than one block as well as the playground that is on the corner of Division Street and West Street. That is a long City block. What is the Planning Commission doing for parking? You said that the places will have two parking spaces. That is nothing. Everybody has got two cars and some people have three or four cars in a family. Those people are going to be parking on the street. You know it and I know it. They are going to be parking on the street, which is going to create more parking problems. Now, the Alley that is to his property leads into that paper alley that Bonnie talked about. He had to go through hell to get that place paved. He drives a BMW. Every day that he went out before that Alley was paved, his car scraped the ground. The Mayor got it paved for him and he appreciates that. That is the only access that he has for his property. There is no driveway in front off of Kirkwood Street. He has to use that paper alley to get into his back yard. Bonnie told you that I am 80 some years old and that is the only way he can get into his house. He has seen them spray painting for sewer or gas lines or whatever they are going to put in there already. He does plan for some sort of rebuttal program through a letter, through a sign-up to get people to sign up to oppose this unless some better parking problems can be made.

Responding to Mr. White, Mrs. Melson-Williams stated that she thinks he touched on the additional comments that you had put in the chat noting that your property is accessed through

that alley that comes in off of Cecil Street. There are several lots that are accessed from that rear alley at that location. Mr. White stated that is correct. Bonnie is one and there are two other houses to his north that use that paper alley to get in and out of their properties.

Mrs. Melson-Williams asked Mr. White if that concludes his comments. Responding to Mrs. Melson-Williams, Mr. White said that yes, it does. You might provide him with a list of addresses where he can write some letters or send some flyers to get a campaign started.

Mrs. Melson-Williams stated that Mr. White can reach out to the Planning Office tomorrow. Our contact information is on the meeting agenda or in that letter. They would be happy to talk about your questions.

Mrs. Melson-Williams stated that Ms. Rachel Rigliano noted in the chat “Amen Reverend. Why does the Rail Haus need to be open on Sundays at the time you are having services?” Mrs. Melson-Williams stated that she doesn’t think that it is subject to the project before us this evening other than the parking concerns that have been voiced.

Mrs. Melson-Williams stated that she wanted to read the written correspondence that the Planning Office received today. Copies of these are provided on the Planning Commission members’ desks. The first one is from Mr. Donny Legans of the Rail Haus. It is dated November 17, 2024 but addressed to the Planning Committee. He writes “I am writing to show my support for the project located at 207 N. West Street adjacent to my warehouse and Rail Haus. The plan to move more residents and families to the area is great plus giving homeowners a different style of housing is a winning strategy. He is very familiar with the builders tied to this project and wishes that he could say Rail Haus is Exhibit A for them in what they do for Downtown. The truth is they have a tract record for choosing Downtown Dover over and over again. Whether it was a Boutique Clothing Shop or picking Reed Street as their company headquarters or bringing one of the preeminent festivals to Loockerman Street annually, they consistently chose Dover. Rail Haus just happens to align with what they already represented in the Downtown Area. They picked a novice restaurateur in me to back several years ago when the prospects were bleak. This is a chance for him to say very publicly how much of a gamble that was and they never wavered in their commitment throughout the entire build-out process. This just happens to be the one-year anniversary of Rail Haus opening this week (that was referring back to the November timeframe) and he is very fortunate that he gets to support them on their latest endeavor for Downtown Dover. I fully support this project and look forward to seeing another vacant lot Downtown get new life.” Some of those statements he also made this evening.

The second letter that they received was dated November 18, 2024 and it was from Theo Braunskill with the address of 91 N West Street. It reads “I believe I can speak for our community since I have been a part of this community for more than 70 years. Most of the homes here on the 500 block of Fulton Street are still occupied and owned by my immediate family like my daughter and her family, another daughter and her family, and my brother and his family. I personally own three homes here. Some others who live here are elders who have grandchildren and have lived here and some he has known for years. My grandparents built their home on Fulton Street in 1920. They raised their children here and their children grew up and had families who lived next door. As I have said, my family still owns most of the houses on the 500 block of

Fulton Street. We are all very close to our other neighbors. We are all members of the Neighborhood Community Watch Program. They would appreciate new construction in our community that would house new families. Our community speaks family. We welcome families, we welcome children. Again, I support new construction and I support new family homes.”

Dr. Jones asked what income level they are hoping to attract for your for sale or for rent homes. Responding to Dr. Jones, Mr. Llewellyn stated that there are some guidelines for affordable housing but specifically his 23-year-old daughter and my 22-year-old son-in-law need to afford something that is around \$1,800 to \$2,000 a month and there is nothing out there for that that is pleasant to look at. That is where this whole project has come from. We are trying to have our adult children not move back into our house and this is an opportunity here. If you are looking for his secret motivation, that’s it.

Dr. Jones stated that they are probably college trained. Responding to Dr. Jones, Mr. Llewellyn stated yes, they are.

Mrs. Denney closed the public hearing.

Mr. Lewis moved to recommend approval to the City Council for application C-25-01 Lands of 4BL, LLC: Cecil Street Townhouses at 207 N. West Street and the Minor Subdivision Plan with the Waivers for the Alley requirement and the Waiver for the Rear Emergency Access. As for the Cash-in-Lieu, he doesn’t think that we can do anything about it at this meeting.

Responding, Mrs. Melson-Williams noted that you can make an initial recommendation on it and we can bring that aspect back to you. Technically, we have to bring the formal amount back to you anyway in the future. You may want to note in your motion that that aspect of the project is still under consideration by the Parks and Recreation Committee.

Mr. Lewis stated that hearing that, in addition to the Subdivision Waivers for the Alley requirement and the requirement for the Rear Emergency Access, he will move that we move forward with the Cash-in-Lieu in expectation of hearing more about it at a later date. Seconded by Dr. Jones and the motion was carried 4-1 by roll call vote with Mr. Roach, Mr. Baldwin, Mrs. Welsh and Mr. Witham absent. Mr. Lewis voting yes; for reasons that have been stated. His main issue with coming in here was the Alley requirement and the Emergency Access and seeing that the Fire Marshal is backing the sprinkler option, he will vote yes to move forward. He also has an Alley in the back of his house and he hopes that he never sees an emergency vehicle behind it but he is glad that it’s there. Mrs. Maucher voting yes; based on DAC comments. Dr. Jones voting yes; she thinks it’s a welcomed addition to the neighborhood. She is still wrestling with the vertical siding. Mr. Reaves voting no; based on the parking issue that it is going to create for the community and also the access issues that it is going to potentially create. Mrs. Denney voting yes; she thinks that it is in keeping with what we desire to do as we move forward there, with what the Comprehensive Plan and what the plan for the future is and she thinks that it’s a step forward on that street. She fully understands the comments that were made this evening about Rail Haus and the parking; however, that was meetings ago when there were opportunities

to make decisions with regard to that and we are not addressing that this evening. Also, with the DAC comments, she thinks this is a good project and we should move forward with it.

C-25-02 Villages of Maple Dale – Phase 3: Planned Neighborhood Design – Senior Citizen Housing Option (Revised) - Public Hearing and Review of a Conditional Use Site Plan/Master Plan for the development of Villages of Maple Dale – Phase 3: Planned Neighborhood Design – Senior Citizen Housing Option (Revised) consisting of age-restricted apartment units on a portion of the property of the Maple Dale Country Club & Golf Course. The Master Plan was previously established by Applications C-09-06 and SB-09-04 and with Phases 1A and 1B of townhouse units under construction. The Revised Plan for Phase 3 consists of the construction of one three-story apartment-style building with 48 units, parking, and associated site improvements in the vicinity of the existing Clubhouse. The property is zoned RC (Recreational and Commercial Zone). The property is located on the east side Maple Dale Road. The owner of record is U & I Maple Dale, LLC. Property Address: 180 Maple Dale Circle. Tax Parcel: ED-05-067.00-04-01.00-000. Council District 1. *Waiver Request: Partial Elimination of Upright Curbing. Consideration of Alternative Design Standards for PND: Height, Number of Stories, and Dwelling Units per Building. For Consideration: Active Recreation Plan. Associated Applications: MI-24-08 Villages of Maple Dale (Updated Phase 3): PND-SCHO Concept Plan and SB-09-04P/F, C-09-06, MI-09-06.*

Representatives: Mr. Conny Malmberg; Mr. Doug Barry, Pennoni Associates; Mr. Usman Sandhu

Mrs. Melson-Williams stated that this is for the Villages of Maple Dale-Phase 3. It is a Planned Neighborhood Design – Senior Citizen Housing Option. This project location was previously the subject of a request for that same type of development back in 2009; however, only the initial two phases were ultimately progressed through the Final Plan Approval and are under construction. This revisits what is Phase 3 and also presents a revised concept. We are dealing with the property that is located at 180 Maple Dale Circle. That is where we find Maple Dale Golf and Country Club. Specifically, we are looking at the area in the immediate environs of the Country Club. The image on the screen is of the existing condition. You can see the part of the circular loop drive that comes into that facility today. The Clubhouse building would be on the right-hand side. You see part of the edge of that building. What is shown here is the existing condition of the previous tennis courts and a pool area to the north of one of the main blocks of parking. With this project, they are proposing redevelopment of part of this area adjacent to the Clubhouse. What is being proposed is a reconfiguration of the parking around that entry loop drive and then in generally where the pool facility currently is, that would be redeveloped for a single apartment building of 48 units. With it being a Senior Citizen Housing Option project, that limits your head of household to age 55 and over. With this Planned Neighborhood Design – Senior Housing Option, this time around initially was looked at by City Council back in October 2024 and they deemed it a project worthy of continued review here with the Planning Commission this evening. A portion of this development would be for an apartment building. It leaves the Clubhouse and the 18-hole golf course areas intact at the site. She wants to talk a little bit about the Planned Neighborhood Design, the initial phases because those are probably the most visible. The series of twelve (12) townhouses that are on your right as you approach the entrance to Maple Dale were the first phase of this project. Those are a series of twelve (12)

townhouse lots that are finishing construction. Additionally, they have started the site work for what will be known as Vahalla Court which is a road that goes off to the right before you reach those townhouses that have been built. Along Vahalla Court is a proposal for eighteen (18) townhouse lots that has already been approved. So, really we are focusing on this Phase 3 area for this apartment concept. The differences between this project that is presented here today and what was originally presented back in 2009 that never finalized its Plan was that Plan in 2009 had a series of three apartment buildings that were proposed and also a higher total number of units. With this project this evening, we are looking at 48 apartment units. That project from 2009 was anticipating 54 units. The process for review of this Planned Neighborhood Design – Senior Housing Option is presented as a Conditional Use/Master Plan. This is its one visit to the Planning Commission. If successful this evening, they would then finalize the Site Plan and move into construction. With this apartment style building, it will actually displace the location of the pool and volleyball and tennis court area on the existing site to create the U shaped apartment building and the surrounding parking areas. With this project, there are several things related to the building itself. The Planning Commission needs to consider the project density. If we just focus on the 5 acres of this development area, it is 9.2 dwelling units per acre but if you look at the overall area that is part of the Planned Neighborhood Design's which is a total area of 13.7 acres, we have a density of 5.7 dwelling units per acre. That is something that the Planning Commission will need to consider and confirm whether it's compatible with the development pattern and density potential in the general area. She will note that the area is surrounded by predominantly single family detached homes; however, there are also townhouses in the immediate vicinity as part of Retreat and Turnberry as well. Back on Kenton Road, there are two apartment buildings there which would also have a higher density in the immediate area. With the Planned Neighborhood Design, the applicant has the ability to ask for Alternative Design Standards and they are doing so for these apartment buildings. In the specific items of building height and number of stories, they are looking to go to three stories in height with a total height of just over 38 feet. There is an architecture elevation that was provided for this project. You see kind of three floors of units. It does have a hipped roof and there is a series of balconies or patios for the units. The other Alternative Design Standard that they are asking for relief on is the average number of dwelling units per building which the Code sets at twenty-four (24). They are looking to have that be forty-eight (48) in that they are putting all units within the same building rather than multiple buildings across the property. With this project, there is a requirement for parking. That is calculated in our Report. Apartments have a parking requirement of 2.25 parking spaces per dwelling unit. Additionally, the golf course and clubhouse also have parking requirements. In total based on Code, the total number of required parking spaces is 240 spaces. With their improvements to the parking areas there in the immediate vicinity of the Clubhouse and this project, they are looking to provide 249 parking spaces. Additionally, they will have to provide bicycle parking as well. There is a series of sidewalks that are shown as the darker shaded areas on the screen that loop around the building and throughout the parking areas. There are also requirements for lighting and dumpsters which they are providing on site. The Planning Staff has granted approval to a partial elimination of upright curbing in areas where it may be needed for stormwater management practices. With this project, there is the tree planting requirements based on this area of project development. They will be required to plant 73 trees. They are showing on their Plan a mix of shade and evergreen trees with a number of evergreen trees being placed to serve for areas of screening. This project as noted is residential in nature so there is a requirement for Active Recreation. With this project, it qualifies for consideration

under one of the small development exemptions. In this case, it is a residential development of ten or fewer acres with a density of over 6 units per acre so that brings their Active Recreation Area requirement to 150 SF per dwelling unit or a minimum of 10,000 SF. They are providing a walking path network and then with a Revised Plan submission, have changed what was initially put forth as a sand volleyball court to a revised pickleball court. That image is shown on the screen and was also provided on the desks for the Planning Commissioners tonight. She imagines that we will hear more from the applicant about that tonight. That is their main two areas of Active Recreation. As noted, this Active Recreation Plan was initially to be reviewed by the Parks, Recreation and Community Enhancement Committee on February 11, 2025. With the snow cancellation, that meeting is moved to February 25, 2025. So in making any motion in regards to this application this evening, you will have to note that any of your findings on the parks and recreation component of this project and note that it is still under consideration. The Development Advisory Committee Report includes a number of comments from the various regulatory agencies and should this project get approval, they will have to satisfy all of those. This evening, she will note that the Planning Staff is recommending approval of the Alternative Design Standards for the Planned Neighborhood Design which would allow for an increase in building height, its number of stories, and the number of units in the building. We think that is appropriate because these standards are a necessity to consolidate all of the units into a single building for the project. We did also include a recommendation that they consider providing additional ADA accessible parking spaces given the nature of the residents and to ensure that they are meeting at least the minimum requirement based on the parking rate that you have here. We had previously included comments that the original proposal for a sand volleyball court was not necessarily a good idea based on the age appropriateness of that amenity. We would find that the pickleball court would certainly be a better option for this population that is anticipated here. With that, she will remind the Planning Commission that this is a Conditional Use Site Plan Master Plan review for a Planned Neighborhood Design Senior Citizen Housing Option. You will need to consider the Alternative Design Standards and their Active Recreation Plan as Planning Staff has already approved the partial elimination of curbing which the *Zoning Ordinance* allows us to consider.

Mr. Malmberg stated that he is here with Mr. Doug Barry from Pennoni Engineering who has designed the site. Also with him tonight is Muhammed Ikbali and Usman Sandu who are the two partners in the project. They are also the owners of Maple Dale Country Club. It is their site. They will be the builders of this project. They also own Wild Quail Country Club which is somewhat important to know because of the various cross amenities that might be available to the Country Club members. He is the cheerleader here tonight partially because he is a senior. Although Mrs. Melson-Williams has run through all of the technical details and Mr. Barry can answer any questions in regard to those, his part is to basically say how he thinks this particular amenity on this particular golf course is a unique opportunity for people like himself or other members who are active adults that would like to live in a country club setting rather than next door to a shopping center in a 55+ housing community. The project also benefits the club itself. More feet on the street around the Country Club leads to the probability of its long-term viability. As an amenity not just for the people that are going to live in these units but also the surrounding community in the City of Dover and Kent County as a whole as it has been for years. He would note that the previous iteration of this project was approved by the Planning Commission. It was a slightly different design. This is a better design in our view, more cost effective, takes up less

impervious surfaces, and the density of the previous project was higher. As noted by your Planning Staff, this gained their support because it is consistent with your *Comprehensive Plan* and the PND-SCHO (Planned Neighborhood Design – Senior Citizen Housing Option). He will quit with a quote from Staff about that particular option; “designed to encourage the development of high quality housing opportunities designed to accommodate the particular needs of senior citizens.” This is the first time that he has admitted being a senior citizen in public, but this particular kind of use appeals to him.

There are a couple of programming notes that he thinks a couple of them were talked about. The volleyball court was swapped out to a pickleball court. He likes both of those sports so he is not sure it is completely exclusive. There are no concerns with the DAC Comments and we are thankful for the support and recommendation of approval by Staff.

Mr. Lewis stated that a friend of his lives in the neighborhood behind this and gave him a friendly reminder that this was on the agenda. Do you want to take this opportunity to speak to any of the nearby residents about what impacts that they may or may not see, both on the neighborhood behind there and the golf course itself. Responding to Mr. Lewis, Mr. Malmberg stated that he is not sure what neighborhood he is talking about but as far as from The Retreat, there should be no line of sight visibility from this project whatsoever. There is no impact on the golf course. There is no redesign of the golf course or impact whatsoever. What was the third part of the question? The only other issue that is very popular in hearings like this is traffic. It is a senior project. The daily traffic counts are roughly half of a non-senior project. It shouldn't have much impact on Maple Dale Drive.

Mr. Lewis asked if there was any sort of timeline for progress or are we in the very early stages? Responding to Mr. Lewis, Mr. Sandu stated that based on your approvals, as soon as we move along with approvals they are ready to build.

Mr. Malmberg stated that he would repeat that since he is not on the mic. Mr. Sandhu who is one of the partners of the project, indicated that he is ready, willing, and able to move as fast as we can finish up with design and approvals.

Mr. Barry stated that as always, Mrs. Melson-Williams gave a fantastic summary so he doesn't want to be redundant but he did want to highlight the three PND considerations. The first one is the consideration to increase the building height from 35 feet to 38 feet 4 inches. Similarly, for the number of stories, two is required but we are asking to go to three stories. In the packet of information that we submitted with our application, we summarized six projects in the City of Dover limits that are similar in fashion to this. Three of which are PND – Senior Citizen Housing Options. The Fountain View (Dove View) is approved at 40 feet in height with four stories. Luther Village is also a Senior Housing PND and is approved at 38 feet and 3 stories, and The Arbors Senior Condominiums is approved at 38 feet and 3 stories as well. Again, we are asking for 38 feet 4 inches in height at three stories. The number of units in the building, as Mrs. Melson-Williams said, instead of three buildings at 18 units per building, we are asking to go to one building at 48 units. There is an actual reduction in the units that were previously approved.

Mrs. Denney opened a public hearing.

Mrs. Valla Rogers – 10 Augusta Court Dover DE 19904

Mrs. Rogers stated that it sounds like all of this has been decided. She assumes that there has been a lot of discussion. This is the first that she has heard about this project. She heard about the original one by the previous owner and then she didn't hear any more about it. She didn't like the idea then. She should point out that she lives on the cul-de-sac that is directly behind this building. She was not a fan of having a four-story building then either. Three stories is better than four but she thinks three is too high. Also given what the Country Club looks like itself, she thinks the style of the building doesn't really go with the County Club. It is going to dwarf the Country Club. The townhouses as you come into the neighborhood, when the previous owner built the first few units there, they are very nice looking; the siding, the roofing, the style of them and the fact that they were over 55. They have attractive back of the building facing the golf course as you come up. It was a very nice design. Then when the rest of the townhouses were built, they dwarf those units that are existing. They are much taller and bigger and the siding that is used doesn't compliment it at all. They just swallow the original attractive designs of the townhouses there. There is nothing that anybody can do about that; it's done. She was totally unaware of the design of those and she would have objected back then. There hasn't been any discussion about what the exterior of this building is supposed to look like. Is it going to be brick and compliment Maple Dale? Is it going to compliment the homes that are right there? She disagrees that it isn't going to have any sight lines. Her cul-de-sac is right there and she will drive out and look at that every time she leaves. She thinks it will just be too large of a building for that spot between all of the other much lower single story or single-family homes in Maple Dale. She doesn't think it is a compliment to the area at all.

Ms. Min Gibson – 111 Pine Valley Road Dover DE 19904

Mrs. Melson-Williams stated that Ms. Gibson noted in the chat "We live behind the pool. The three-story building will block the sunlight to our house. With the 48 housing (units) they will have a lot of noise. We disagree with this plan."

Ms. Gibson asked if the house is going to face Pine Valley Road or Maple Dale Road. Responding to Ms. Gibson, Mrs. Melson-Williams stated that the building entrance faces Maple Dale Road. It would face the parking lot area and the circular loop that is there in front of the Country Club Building that is there now.

Mr. Gibson asked if there would be a roadway from Maple Dale Road to the apartments. Responding to Mr. Gibson, Mrs. Melson-Williams stated that there is part of the driveway that will come from Maple Dale Road to the apartment building. It has no direct access onto Pine Valley Road if that is what you are concerned about.

Ms. Gibson stated that either way, they disagree with this plan. What is the next step? Responding to Ms. Gibson, Mrs. Melson-Williams stated that this step before the Planning Commission is to consider the plan and the series of waivers. If the Planning Commission grants conditional approval this evening, then the applicant must finalize the plan and the Staff is authorized on behalf of the Planning Commission to grant its final approval. There will need to be a Final Site Plan approved by Planning Staff and the other regulatory agencies that deal with things like utilities and stormwater management. If they satisfy all of those agencies, then a Final

Site Plan approval can be issued. The Active Recreation Plan for this project will be considered by a City Council Committee and would have to achieve approval through them as part of this process. After they have a Final Site Plan Approval, then they would need to apply for Building Permits before starting construction of the project.

Ms. Gibson asked if they have a chance to file this complaint somewhere. The three stories will cover her entire house's sunlight and it may be four stories she heard. Responding to Ms. Gibson, Mrs. Melson-Williams stated that they are proposing a three story building. There is not a four story building that is proposed with this project. There was a reference to some other projects throughout the City that have gone through a very similar process that were authorized for four stories. This project is only requesting three stories for their building.

Ms. Gibson stated that three stories will still cover the sunlight. It will block all of the sunlight from that direction to our house. We will not have any quality light here anymore. Fifteen years ago when we bought the house, there was no such plan. How can they continue to file a complaint about it? Responding to Ms. Gibson, Mrs. Melson-Williams stated that you are participating in Planning Commission's public hearing on this project. The public is offered that opportunity to share their concerns with the Planning Commission. The Planning Commission can take that under advisement in making their decision on this project.

Ms. Gibson asked if they will know the final decision by mail. Responding to Ms. Gibson, Mrs. Melson-Williams stated that if you continue to participate this evening, the Planning Commission will be taking some action on this application. If you can't stay online, you can certainly reach out to the Planning Office. There will not be a mailed notice directly to the adjacent property owners about the decision made on the application.

Mr. Mark Borer & Ms. Carol Bugglin – 360 Troon Road Dover DE 19904

Mr. Borer stated that his wife Carol Bugglin is also on the line with him. They have lived here for 37 years and live on the golf course around the thirteenth hole. They got the first notice about Phase 3 at the end of January. You have been very careful in presenting very concisely what is going on around the building and in the immediate area of the building. His concerns that he would like to address goes to the wider Maple Dale community and the community around it. There are a number of homes that are on the golf course. They are in cul-de-sacs. They are in Fox Hall. They are in The Retreat. They are on Turnberry he believes as well. This will have affects on all of us. His main concerns are the following: Given the number of apartments, will there be elevators? It seems there may or may not be the need for all of these apartments for elderly people especially when there is no enclosed recreation area mentioned. The Clubhouse wasn't really set up for full recreation for the people in all of these apartments. Many elderly people don't golf and if they do golf, they likely have higher income levels and may be looking for more than apartments. As people demand and want more amenities, that can impinge on the future of the golf course. We want to know what kind of recreational facilities will replace the loss of the pool, the pool house, tennis courts, and things that people might be interested in. We know about the pickleball courts but there may need to be more when you have that many people moving into a place. They are talking about having perimeter walking trails. Will they be safe? No one wants to get hit by a golf ball. If you have these perimeter trails, there is still going to be people golfing he is assuming and how are we going to guard the people? Are people only going

to be able to walk at certain times of the day? That is going to need to be considered as well. Will the trail bring more people close to the yards that border the golf course? Many people's yards are not separated by woods and there are no fences. So, most people's backyards are the golf course. So, what happens on the golf course as a result of these apartments is going to affect these properties. These are houses that cost a lot of money. It is going to affect a large number of them, and they certainly don't want the property values to drop because of these issues. Other quick questions: will there be nearby access for needs like shopping for elderly residents? Will there be a DART stop for those who don't drive? Is the owner really invested in the future of the golf course? It's something essential to retain the property value of these upscale homes that surround the whole golf course. We don't have much communication from the golf course about the owner's long term interest. We know he is building these things now very carefully in this one controlled area but that number of people moving in is going to have an effect on things. They just want the Planning Commission to think and to ask. You may not have total control over it but he thinks you should know his long term intentions. Will the golf course be developed into a big neighborhood at some point? Is it just to build more places and to close the golf course down or do they really want to build the golf course? Are they planning to eventually develop that whole thing into a housing development and just doing it a bit at a time so that it passes the Planning Commission? Finally, he thinks it's important to get the view of more people that live around the golf course. With the late notice, he is surprised there aren't more people here because he knows that there are people around us that are concerned. He would ask and he is not sure if the Planning Commission can do this, but he would ask to table your final vote until you've gotten a few more answers to these questions because they will impinge not just on a couple houses. He feels bad for the people whose light would be blocked but it is affecting more than just them. It is affecting all of us in this Maple Dale, Retreat, Turnberry, and Fox Hall community. Please take that into consideration.

Mrs. Bugglin stated that she is afraid they are going to end up developing the whole golf course. There seems to be no protection to keep it as a golf course or as a park or something without development.

Dr. Julia Pillsbury – Councilwoman – First District 141 Shinnecock Road Dover DE 19904

Dr. Pillsbury stated that in looking at this picture, she has a concern about water runoff. Are they going to have flooding in the streets? Everything that is being done requires a water retention pond or some planning for that. You are going to put a large building on what has been open space and she is concerned about water runoff going into the neighborhood and into the home of a woman who called earlier and voiced concern about losing her sunlight. The other thing is just a personal thing but she has to tell you that she is very disappointed that you got rid of the pool. She is really unhappy about that and she has been a member for over 30 years. She personally is not crazy about the plan and just wanted to share that but she is concerned about the water runoff. Responding to Dr. Pillsbury, Mrs. Melson-Williams noted that this project will have to have a Sediment and Stormwater Management Plan that addresses any changes in impervious surface coverage and the water runoff. They are proposing in that central part of the loop that is currently grass, that it would become some type of stormwater management facility. If you are looking at the Plan, it is kind of the football shaped area to the bottom of the plan image. It would be part of the stormwater management system for this project.

Ms. Sigrid Smith – 49 Carnoustie Road Dover DE 19904

Mrs. Melson-Williams stated that Ms. Smith typed in the chat online “We have similar concerns to the Troon residents primarily as well as concerns for further light pollution and mature tree removal.”

Mrs. Melson-Williams noted that Mr. Borer has typed into the chat his seven questions. The first being elevators for the apartments. The second being the types of recreational facilities that will replace the loss of the pool, pool house and tennis courts. The third point is the perimeter walking trails. The fourth point is access to shopping and also a DART stop. The fifth question of the owner and their vested interest in the future of the golf course. The sixth question is what the plan is for the whole golf course in the future. The seventh question is about the view of others that border the golf course and notes how it affects the entire neighborhood areas and the homes around the golf course.

Mr. Sandhu stated that he appreciates the Commissioners taking their time and he certainly appreciates the people calling in and taking their time to share concerns. It is their right and if he were living there, he would have the same kinds of concerns. He has known Val and Pat for 8 years now; they are members at Wild Quail. They know the integrity of his company and what they have done to Wild Quail from where it was. He just wrote little notes about the concerns mentioned. Val’s point is very valid, when she drives up she is going to see the building. Yes, obviously it is going to be there. They thought that having three buildings in three different corners and inconveniencing everybody. This part is where the pool is and where the old tennis courts that have been shut down for five years. Ms. Pillsbury, he is sorry about the pool but he was told by the Department of Health that the walls are caving in and they have no choice but to shut it down or fix at the tune of about a half a million dollars. There was also no guarantee that they would get the permits again. It hides if you have ever been in that area and it blocks trees that are very mature but thin in spots. These tree heights are 50-60 feet; they are very mature trees and as old as the development is. The concern about the light and the noise pollution, those trees are already blocking all of the light that they can. This building is going to be set back closer to the Clubhouse. As the sun rises, he thinks that alleviates all of the concerns about the light. He completely understands people being afraid because if somebody was building in his backyard he would be just as afraid. But the facts are the facts; it is not going to hinder their sunlight the way they are thinking. They did submit a color rendering of the building. He is not sure if Mrs. Melson-Williams ever had that. Responding to Mr. Sandu, Mrs. Melson-Williams stated that she doesn’t believe they have it in the (on screen) packet. The Planning Commission members may have it.

Mr. Sandhu stated that this building will have brick pretty much surrounding the building keeping in mind that although we are not directly in Downtown but we are still close enough. It will have Hardi-plank siding to make it look like it belongs in the area and not a very modern style architecture. Talking about Val’s point to the townhomes, yes we have “dumbed” them down a bit in the sense that the other project that Larry started with the townhouses sat for 10 years. There was a reason. We have priced ourselves out of the market by putting that nice stucco product that Larry put out there but it didn’t sell. The reason he and Muhammed ended up buying this project was because nothing was working. The golf course was in a downfall. The

townhouses weren't selling. What happens when a business goes down? Somebody steps in and takes it and that's what they did. To this date, they have owned the golf course for 9 months and they have spent \$250,000 into the golf course and inside the clubhouse. If that does not show their commitment to the golf course and keeping the golf course open, he doesn't know what else would. They have no plans of a development on the golf course but if they were to they would have to come back to this Commission. It is not something that they can sneak in and start development tomorrow. They have no plans. They are very committed to the golf course. They already have one and this gives us two. This gives us more of a chance to compete and make both products better. They are proud of Wild Quail and they want to be even more proud of Maple Dale and have it be the golf course, the historical venue that has been there for years. This is the 100th year of Maple Dale and they want to make sure this thing survives another 100 years because he can tell you that Ms. Boyer talked about the property value, if they did not take it over, there would not have been a golf course. They are here for a conditional approval but if you look at the property, there are already a lot of things that are already approved in that place besides a golf course. A solar farm is one of them and _____ field is another one. They could chose that route and make a lot more money than investing money not to make any money. This building is one of the biggest reasons that they are doing it. It is going to support this golf course. It is going to bring people to the restaurant. Jonathan's Landing has survived the worst of it since Champion's Club opened up. It is a 55+ community. He is 52 so he is getting there but he enjoys golf now. He never played golf before. He can't play soccer; he played soccer all of his life and he doesn't have knees anymore. He chose to play golf because he can swing this triangular piece of metal and try to hit a round ball and try to make it go straight. It's stupid but sometimes it works. The Clubhouse he thinks is one of the reasons that this apartment building and the people living there will be very happy. You give them a place to walk across to grab a few drinks, you don't have to worry about a DUI now, and you can just walk back to your apartment. A golf course is the biggest recreation. People travel from Smyrna, Middletown and Milford to come play golf with us. Why wouldn't he want to live at a place where he could walk to the golf course? Talking about the trail, he thinks Mr. Boyer has it a little bit wrong. The trail area is only around the building; there are no trails on the golf course. Actually, he and Planning had a discussion about combining and they refused because it is an insurance liability on their part to have anybody jay walk, snowboard, or bike on the golf course. We are not removing any trees. They are actually adding 73 trees. He thinks that they are adding value to the City of Dover by bringing this building. They already have 48 units right outside on Kenton Road. Also, they will be reducing traffic because the Planning Commission approved 54 units in 2009. They have spoken to DelDOT and KCD and he thinks that they are on the right track. He just wants to assure the Planning and Zoning Commission that they are going to make sure that they put a product out there that we all can be proud of and it's going to help being a 55+ community because we know there is a demand there.

Mr. Barry stated that a gentleman had concern about the walking trails that they are proposing. The trail is not near the golf course. The closest that it gets in behind the tenth tee so there shouldn't be any mixing of golfers or the apartment project. The paths with the ADA ramps are accessible. They will be constructed with asphalt. There will be ADA ramps with crosswalks for the rest of the trails. They do agree to comply with all of the DAC comments. There was something in there about having the trails connect to the golf course which is a no. It is a safety no-no; so, they won't be doing that.

Dr. Jones asked the Planning Office since this is a Revised Application, who were the residents that were notified. Were they in The Retreat? Responding to Dr. Jones, Mrs. Melson-Williams stated that as you are well aware, there are public notice requirements for all applications that appear before the Planning Commission. The Code requires that property owners within 200 feet of the subject site be notified. In this case, the subject site is the parcel that is Maple Dale Golf Course and Country Club. So, they sent notice to close to 200 property owners regarding this hearing this evening.

Mr. Sandhu stated 195 notices total.

Mrs. Melson-Williams stated that if you were walking the boundary of the Golf Course, it went to all of those property owners.

Dr. Jones asked if that meant that some of the property owners in The Retreat received a notice. Responding to Dr. Jones, Mrs. Melson-Williams stated yes, it would be some in The Retreat, Turnberry, and Fox Hall. All the way around the golf course.

Dr. Jones stated that if you have been to events at Maple Dale, you know that when there is a large event there, there is one road that goes out that eventually goes onto Dover Kenton Road. What kind of considerations or do you have any concerns about what might be as many as an additional 100 cars coming and going in that area? Responding to Dr. Jones, Mr. Barry stated that in December, we met with DelDOT and as you know there is a Capital Improvements Project along Kenton Road that is called SR 8 The Chestnut Grove. There is a roundabout intersection to be at Chestnut Grove and Kenton Roads. As part of those improvements there are deceleration lanes and sidewalk improvements which incorporate what was approved back in 2009 with the Master Plan Phase 1-A, 1-B and 2. There is going to be an actual reduction in trips to what was previously approved back at that time. They foresee a reduction in trips from what was previously approved and what DelDOT is accommodating on Kenton Road.

Dr. Jones stated that she doesn't understand. It will reduce trips from where? Responding to Dr. Jones, Mr. Sandhu stated that he thinks what Mr. Barry is relaying about is in the future once the apartment is built. He is going to speak more to let's say they have an event in Maple Dale with 100 people. Now we have 48 people living there. The lane that comes into Maple Dale as for the golf course, that will be widened. The Maple Dale Drive is existing and as you get on Kenton Road, they are expanding the deceleration lane coming into Maple Dale. He thinks it is going to be 150 FT long per DelDOT. All of this was taken into consideration in 2009 as well when we were supposed to have fifty-four (54) units. So what Mr. Barry is saying is that they reduced the number to forty-eight (48) units so there is less traffic. But he completely understands your concern about if there is an event at Maple Dale. Events do happen now. The Golf Course has tournaments with 200-300 people but that is a rare occasion to have such a big event. They are also providing 249 parking spaces versus having 109 parking spaces currently.

Dr. Jones stated that she has been around Dover and lived in that area as well and she does attend activities at Maple Dale. The apartment complex just seems to be misplaced in her mind. It does not lend itself to the character of the contiguous neighborhoods so that would be one of her

concerns. Responding to Dr. Jones, Mr. Sandhu asked if she would like to see something different on the building versus brick and Hardi siding.

Dr. Jones stated no, it's not the building; it's the concept. We need more senior housing in Dover, there is no doubt about that. She is uncomfortable with some of the comments that the residents have made. Were there conversations with the residents? There were too many of them who made comments that had some similar concerns. Responding to Dr. Jones, Mr. Sandhu stated that they have 100+ golfing members and about 150+ social members that live mostly in the area. They have all been talked to. I wish he had known because he would have brought some to support him as well. Just to tell you that of 195 letters that we sent, only 3 people spoke against it so that tells me that 192 people are okay with it.

Dr. Jones stated that that says that 192 people did not stand up to speak but she understands what you are saying. That can be interpreted in any manner but on a very serious note, she is concerned about the character of the area. Responding to Dr. Jones, Mr. Sandhu stated that he completely understands her concern and appreciates her concern, but this is a very common phenomenon. Not in Dover or even Delaware obviously. But if you go out on most golf courses, most golf courses have the stuff to support themselves. It is the easiest way for them to grab a customer instead of asking someone to bypass two golf courses to come to me. If you live there, you tend to walk and play there.

Mrs. Maucher asked that when this was approved for 54 units and it was multiple buildings, what were the height of the buildings? She has concerns about this three-story building and it doesn't really appear to fit with the surrounding community. And also how do they compare to the height of the townhouses? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that back in 2009 this was also considered for a Planned Neighborhood Design Senior Housing Option. At that time, the developer at that time was also asking for Alternative Design Standards regarding building height and number of stories. At that request, they were looking at a number of stories at four stories and 65 feet for at least one of the buildings. She believes that they may have had a scenario where they were looking at parking on the ground floors and then the units above. That was actually approved by the Planning Commission back in 2009. They had the Alternative Design Standards Request at that time and were actually asking and approved for something more than they are asking for at the present time.

Mr. Sandhu stated that Mr. Borer had a concern about elevators. The building will have elevators in it.

Dr. Jones asked if the initial approval was for this site. Responding to Dr. Jones, Mrs. Melson-Williams stated that the 2009 Plan set forth the townhouse units on individual lots that we see. Twelve of which have been constructed at this point. There are another 18 townhouse lots underway and then in this area adjacent to the Clubhouse there was a proposal for three buildings for a total of 54 dwelling units in those four-story condominium buildings. If you kind of think of the project location here as you come up the drive to Maple Dale, at the loop, the 2009 Plan proposed one building on the right and then two buildings to the left kind of where we would see this building proposal here. She believes that project at the time did a relocation of the pool and some of the other recreational amenities. For that project, the overall Master Plan got approved;

however, they never took the steps to finalize Phase 3 which is this last phase. That approval lapsed which is where we are back here today going through another round of looking for approval of the Master Plan specific to Phase 3.

Mrs. Maucher asked if the building itself would have any amenities inside like a gym or any recreational facilities inside the building or is it wholly relying on the Clubhouse? Responding to Mrs. Maucher, Mr. Sandhu stated that there will be a gym and what they call a common area for them to hang out and spend their social time if they don't want to go to the Clubhouse and enjoy the restaurant. He thinks that it's a small gym and a social club area. It is on every floor so every floor will have their own common room area.

Mrs. Denney stated that she was a "snow bird" for a long time and had her own home in a development called The Villages in Florida and the main reason you move there was to play golf. We went everywhere and did everything in our golf carts. We rarely got in our car frankly because you would even go to Walmart and Target in your golf cart. Her question goes along with what Mrs. Maucher just asked. They had clubhouses. There were senior apartments and there were actually eventually built nursing home facilities. Very interesting that with the senior apartments and the nursing home, you could take your golf cart in and take it up to the floor where your family member was and walk through just like when you go to Bayhealth and you park in the garage and walk into a certain floor. Each little village has its own square and Clubhouse but within the Clubhouse or apartment area, on the first floor when you went there were bridge rooms and there were room that were filled with pool tables and ping pong. There was an art room where people would paint. That first story was entertainment. There were no food concessions and it wasn't a place that you could rent and entertain because there were other places in The Villages where you could do that. But she thinks that is an excellent idea for a place like this because it keeps the people who live in the apartments together. Any time that you can have that camaraderie, she thinks it's a good thing. Responding to Mrs. Denney, Mr. Sandu stated that is a great suggestion. He has done public housing for almost 20 years and he has learned a lot from public housing. It is always mandatory for them in public housing to have so many square feet of common space. That would be used for bridge. He doesn't think it's big enough that it could fit pool tables but it's basically to hang out. During Christmastime people hold their small Christmas parties. So, every floor will have that spot and now you have a gym. They want them to go to the restaurant and we want them to travel to the golf course and play golf. Keeping this golf course open is the main goal right now.

Mr. Reaves asked if you could show the picture of the building from the front view. He has a question about the height of the building at its highest point. When you have 35 feet, is that including elevation above the rooftop? Responding to Mr. Reaves, Mr. Barry stated that it would be the average height from the finished floor elevation outside the building to the mean roof height. In this case, it would be 38 feet 4 inches.

Mrs. Melson-Williams stated that for this type of building roof system when it is a pitched roof, the height is measured at basically that average between the eave, which is where you would see your gutter to the rtop of the ridge. It is kind of halfway in between. That is how our Code by definition measures building height.

Mr. Reaves stated that the actual total height of the building is going to be far more than 35 feet. Is that correct? Responding to Mr. Reaves, Mrs. Melson-Williams stated that the distance to the ridge which is the top of the roof would be greater than that but that is not considered height for purposes of our definitions. "Height" is defined as basically a distance that is kind of somewhere in the middle of that roof.

Mr. Reaves stated that he understands that part of it, he was just trying to get an understanding for the people that have concerns with the light that the building was going to block from their property.

Mr. Sandhu stated that he wants to remind the Commission that they went from 65 feet down to 38 feet. Also to Dr. Pillsbury's concern about the pool, they did open Wild Quail pool to all of the people at Maple Dale. So you are more than welcome to come to Wild Quail.

Mrs. Denney closed the public hearing.

Mr. Lewis moved to approve C-25-02 Villages of Maple Dale – Phase 3: Planned Neighborhood Design – Senior Citizen Housing Option (Revised) to include the waivers for the Alternative Design Standards and the partial elimination of curbing noting that we are going to hear more about the Recreation Plan once it goes to the Council Committee of the Whole for the Parks and Rec Committee, seconded by Mrs. Maucher and the motion was carried 5-0 with Mr. Roach, Mr. Baldwin, Mrs. Welsh, and Mr. Witham absent. Mr. Lewis voting yes; based on DAC recommendations and for reasons previously stated. Mrs. Maucher voting yes; based on DAC comments and it is consistent with our prior approval of the project. Dr. Jones voting yes; based upon the fact that the application has come forward and there is not an extreme amount of deviation from the original. She is concerned about comments however and the residents. As part of her justification, she would also ask that more communication be had with the members of the concerned community. Mr. Reaves voting yes; for reasons stated previously. Mrs. Denney voting yes; she listened to the comments from the people in the room as well as the people online and while she can appreciate them, this Plan has been in place since 2009. This isn't new today. Yes, some details changed; however, things became lesser rather than greater as they changed with the new plan. Again, looking at what DAC has to say and the fact that this is not a new topic or a new plan altogether. We knew when it was planned that it was going to take three phases. We knew it wasn't going to happen overnight and sometime the way things happen, it is happening later than sooner but it's been planned all along.

S-25-04 Eden Hill Farm TND: Residential District – Revised Implementation Plan (Phases 1, 2, 4, 5 & 6 Areas: Lot Configuration, Open Space Areas, Right-of-Ways & Unit Count) – Public Hearing and Review of Revised Implementation Plan for the Residential District component of the Traditional Neighborhood Design project known as Eden Hill Farm TND. The Revised Plan for the Residential District proposes to revise Phase 1, 2, 4, 5 & 6 areas as follows: to subdivide the Active Open Space - Community Centers parcel; to reconfigure Lot 10 and Lot 11 (Multi-family) and adjacent Alley M and Alley N; to consolidate lots (Lots 235-240, Lots 326, and Open Space) to expand Signers Park Open Space from 6.12 acres to 9.13 acres; to adjust Lots 190, 252 and 321 and relocate Lot 325; to abandon certain street right-of-way for portions of Bond Street, Red Haven Way, and Eden Hill Boulevard; to adjust right-of-way of Red Haven

Way and Horsey Boulevard; to increase total unit count from 721 (725) to 753 dwelling units; and to revise phase lines of Phases 5 and 6. The Residential District consists multiple parcels totaling of 109.034 acres ± of land and is zoned TND (Traditional Neighborhood Design). The project is located south of West North Street and Wemyss Road and east of the POW-MIA Parkway. The owners of record for the areas of revision are Eden Hill Apartments Acquisition Co., LLC; Eden IV, LLC; Eden 4DS, LLC; and OKH Eden Hill I, LLC. Property Addresses: 751 and 805 Banning Street; 355 Ridgely Boulevard; parcels on Little Eden Way; 600, 602, 604, 606, 608, and 610 Eden Hill Boulevard; 601 and 507 Gorrell Way; 502 and 504 Eden Hill Boulevard; 159 Red Haven Way; and parcel on Skipton Boulevard. Tax Parcels: Multiple parcels of the Residential District on map ED-05-076.04. Council District 2. *SB-06-03 Eden Hill Farm TND: Residential District - Implementation Plan consisting of 665 dwelling units received Planning Commission conditional approval on June 19, 2006. S-19-25 Eden Hill Farm TND: Residential District - Revised Implementation (Phase 2 Area, Club Houses and Unity Types) received Planning Commission conditional approval on January 21, 2020. S-23-12 Eden Hill Farm TND: Residential District – Revised Implementation Plan (Phases 4, 5 & 6 Areas: Lot Configuration, Open Space Areas & Unit Count) increasing to 725 dwelling units received Planning Commission conditional approval on June 20, 2023. There have also been subsequent approvals related to lot layout and Pattern Book revisions. Related Applications: SB-07-01, MI-08-03, MI-08-20, MI-09-03, MI-09-13, MI-10-04, MI-10-14, MI-10-20, S-19-25, MI-21-06, and MI-24-05.*

Representatives: Mr. Mike Scali, Eden Hill; Mr. Alan Hill, A.H. Davenport

Mrs. Melson-Williams stated that this is a Revised Implementation Plan for the Eden Hill Farm TND (Traditional Neighborhood Design). That process is very particular in that it sets up initially a Rezoning which this happened to be rezoned back in 2005. In order to implement a Plan, you go through a series of what are called Implementation Plans focused on each area of the TND. In this case, we are focusing on the Residential District and over the years, there have been several different Implementation Plans that have tweaked the development plan for Eden Hill. Tonight, we have another one that focuses on some of the undeveloped areas of the overall Residential District which the Code basically allows. We are actually looking at areas that are part of Phases 1, 2, 4, 5, and 6. But for a description, there are really three main areas where these changes are focused and she will try to summarize those for you in particular. A lot of our Development Advisory Committee Report is giving you background and giving you information on the TND and the process. There is like a two page chart of all the applications that have either come before the Planning Commission or that Staff has dealt with as an administrative process and then some more detailed description of the project. Basically, to build in Eden Hill there was a Subdivision Plan that created the series of lots and street networks and then over time, the series of Implementation Plans have provided greater detail about how to develop on those lots or changing lot configurations. Additionally, with Eden Hill there is a Comprehensive Design Standards Manual, otherwise known as the Pattern Book, that establishes the rules for building on individual lots. So, things like setbacks. It also sets up what kind of tree planting requirements and a number of things that way that are specific to Eden Hill. For this Revised Implementation Plan, and if you are following along in your Report she is on Page 11, we are going to talk about the key areas. The first is the northern clubhouse area and then there is an apartment area and then a big open space area. The northern clubhouse area basically exists as a single block and on

this image it is on the left-hand side. What they are proposing with this Revised Plan is to divide that block into two parcels. That will place each club house, that's under construction now and almost complete, on its own individual lot. They would still kind of share parking lot amenities that is in the middle of the two clubhouses but it allows the developer to have one of the clubhouses focus on the residential portion of the development and the other one to focus on the apartment area that is under construction and proposed. The second area of change is what they are calling the North Multi-Family Apartments area. On this sheet to the far right, this is an area that is known as Lot 10 and Lot 11. These have been identified for multi-family lots and in other words, construction of apartment style buildings she thinks dating back to the beginning of the project. What this Revised Implementation Plan identifies is some slight changes in the configuration of these two lots to adjust the placement of Alley M and Alley N to put them in a little bit better spot related to the future development of apartment buildings in this area. This narrow strip of block is bounded on the west by Banning Street and then the east is a stormwater management facility; so, they have got a somewhat narrower area to work in. They have proposed some slight adjustments there. The third area is the one of biggest change and that is going to be shown on the next plan sheet. There is a large open space area that was created with one of the previous Revised Implementation Plans and that is kind of the triangle in the center (on the screen). There is also kind of a strip here that is proposed for multi-family apartments. This is in the central east area of Eden Hill. With this Revised Implementation Plan, a couple of things are proposed in this area in that they are looking to eliminate a section of Eden Hill Boulevard that is kind of the shaded vertical strip on this Plan and a series of lots there. These areas would be then incorporated into the larger open space at this location and give additional land for amenities beyond just the open lawn area. In doing this, they are also looking to eliminate a segment of Bond Street and in doing so they would gain the ability to place another lot in that infill. You see that there are three lots on that far left hand side that would continue to be lots and then there is an alley and then it turns into the open space. In doing this, there is also some changes to the street network where Skipton Boulevard and Horsey Boulevard at the bottom of the page on the left side. There is some reconfiguration of the right-of-way there because of the changes in the street network. Additionally with this, it is focusing on Red Haven Way which is the continuation of Banning Street to the south. You can see on this image that there is a slightly hatched area that has a bend in it. One of the earlier Implementation Plans looked at that as being no longer right-of-way but being just a drive aisle associated with the multi-family in that area. This brings that back to a public street right-of-way and looks to configure that to continue to allow parking along that street and then also placing the parking for implementation of the apartments in this area in its own kind of strip of land closer to the railroad tracks which would be the strip that you see here on this image. The next page shows us a little bit more of a pretty picture graphic of this. This is the result of those series of changes. You can see an individual single family house lot, an expanded open space area that would then include amenities including some pickleball courts, some other dog park and playground amenities with associated parking, and then this area that would be ultimately developed with the multi-family apartment buildings with the road network and then the parking lot segregated on that other side. In doing those and kind of expanding the open space, there is obviously some reconfiguration of the property lines there. What this also does is proposes a slight increase in the overall unit count for Eden Hill. As currently approved, it is approved for 725 dwelling units. It is currently platted to be able to achieve 721 units. Years ago, there was a proposal that was approved for a total of 742 units but it was never finalized. With this Plan that is before you this evening, we are

looking at an increase to a total of 753 dwelling units for the project. Additionally, there would be some revisions to the phase lines between Phases 5 and 6. That really is just related to stormwater management planning for the overall site. With the change to some units going away and some units coming back, there is a change in the mix of unit types. Staff has provided a tally chart of the history as Eden Hill has progressed over the last 20 years and then what those numbers look like to total to 753. For this project obviously there is more detail but if the concept here is approved with this Revised Implementation Plan, in order to develop in these particular areas because they are large expanses, there would be an Administrative Site Plan review process that they would have to go through for the open space area, and for this area of apartments that we see on the screen. And for the Clubhouses that she mentioned earlier, those were previously the subject of a Site Development Plan. They would just need a Subdivision Plan to record that dividing it into two lots. Currently there is an Administrative Site Plan for that northern area of apartments on Lots 10 and 11 which of course is somewhat predicated on actions taken this evening related to that area. They are clearly meeting the Active Recreation requirements of the TND and have continued to do so. Staff determined that this did not need to revisit the Parks and Recreation Committee because of the types of amenities that were previously approved for Eden Hill at a broader sense of scale for this location. Tonight, you are really focused on a Revised Implementation Plan. This is your opportunity to act upon it. There is the Development Advisory Committee Report which includes the comments and review from the Planning Office and then the other regulatory agencies. In making these changes, obviously they will need to be updating a series of utility plans and the stormwater management planning for the site as part of anything moving forward for this project area.

Mr. Scali stated that he thought it made sense for him to quickly address why they are here yet again. As Mrs. Melson-Williams stated, this project started almost 20 years ago and has a long line of developers that have come and gone to try to get it done. This appears to be our last step or last hurdle to complete the project. He doesn't know if you have been out there, but there is a ton of construction. We have actually so far done what they have said they were going to do. The neighborhood had clamored for 20 years for a clubhouse and it is finally built. As soon as we get this subdivision line dropped in, we can turn it loose to them to use. Last time he was here, he had proposed this large open space. He was pretty proud of himself that he had thought of something different. Then as time marches on and costs rise it became apparent that building that Boulevard to come down would cost more than we could sell those lots for. It was one of those moments where it was like "oh boy, what did we do?" He sat down and said I can't go back to Planning Commission and take it back so they had to figure something else out. Mr. Hill is somewhat of an engineering genius and he put a lot of time into it. What they ended up doing to get them more density and more income, was fitting another apartment building in the same strip where they already were and not disturbing the open space field. Then vacating that street, he thinks they increased that open space by 30-40% more and added amenities. So, they kind of looked at it backwards than what a developer would look at and delivered more. That is why we are here and that is why there is yet another change. The last time he thought it would be the last change. He can't imagine that there would be another, but he can't promise that either. The economy, the world, and the market continue to change and as we march through this, we kind of have to be more reactive than they want to be. The other two changes, the clubhouse line, and again this whole development has been a little bit of a mess. We had to have two clubhouses and then they got to that point and they said "oh boy, they can't be owned by the same entity." They

just have to drop a line in and separate the ownership. With the change in the top corner, it is already approved for an apartment building; they just found a way to lay it out better.

Mr. Hill stated that he is just going to gloss over the presentation pretty much. The next slide shows the clubhouse areas blown up a little bit bigger. If you have been out there, you have seen that they have been constructed. As Mr. Scali just said, they have to put the line in before they can open for the residents that have been living there for almost 20 years. So they want to get that part done. The one on the left is for the residential tenants who are homeowners and the one of the right is for the apartments. That is why there is a little bit of a difference in the amenities there. The apartments have the ability to drive and afford a little bit more than the homeowners on most of these projects. The next slide shows the northern apartment area. In house, they call it the "Banning Apartments" or the "Northern Apartments." These are a reconfiguration of what you saw previously. What they had before was a single four-story building with parking underneath it. We split this into three 12-unit buildings. They are only three-story with all surface parking. Some of this parking is related to the apartments just to the west that are under construction right now to meet the parking criteria there of 2.25 spaces per unit. They are still providing all of the parking that we've told you before that we are going to provide; we are not trying to cut it back in any way. On the next slide, this is the biggest part that Mr. Scali and Mrs. Melson-Williams did an excellent job of running through. It's a little easier for him with the colored plans to go with these things. One of the things that they did on this Plan as opposed to the original Plan, is that the original park area that they had was around 6.1 acres. The new open space area with the amenities in it is over 9 acres. Mr. Scali mentioned the 30-40% increase in that area but it's actually a 50% increase of open space in that area plus the amenities of the pickleball courts, dog parks, and a playground. All of those things aren't available to the residents out there so we are adding those things. One of the things that Mrs. Melson-Williams mentioned was the connection between where they cut off the roadway. That was difficult to deal with. We have come up with a solution that works with the roads that are already built; the two roads that we are tying in with the circle are already there and already built. The other part was that they put Red Haven Boulevard back to where it was previously. That will allow us to use the utilities and the stormwater system that was designed through that area. They won't have to redesign that to meet the realignment. What we also did was took off the perpendicular parking that was along there to force that shift in the roadway and put the road back to the way it was before with on-street parking and we put the parking buffering towards the railway line. That parking is still 150 FT away from the railway line so we still have plenty of buffer. There is open space there that we don't own so we don't count but that's all open space and that's part of the trail system that goes around the community. We have all of those things. Again, we are meeting the parking that we are required to do in this area at the 2.25 spaces. We are adding units to help pay for all of these things to allow the developer to put the amenities in. But we are reducing the impervious coverage by removing that Boulevard street. By removing those single family homes with all things that come with that like with the driveways and the sheer size of those homes to a product that can survive and is more up to the current time. The next slide gives you an idea of the apartment buildings. The top of the slide shows an image of the apartments that are actually under construction right now. That will be the same architecture for the buildings that are going on that northern strip for the Banning Apartments; so that gives you a flavor for that. The reason that is a little bit different is because that transitions to the medical buildings that are to the north that have that more modern look. That's why when we get to the four-story buildings that are on

the southern side where the open space is, we go to a more traditional building. These are four-story. They do have elevators and they have all of the things that they need to do but they are a more traditional design. It is more in keeping with the homes that are on that side.

Mrs. Denney opened the public hearing.

Ms. Rachael Rigliano – 411 Ann Moore Street Dover DE 19901

Ms. Rigliano stated that they live at 411 Ann Moore Street and also own an investment property in the older section. She would like to say kudos because those apartments shown at the top near where we are on Ann Moore Street look kind of cool when completed. How many bedrooms per apartment? You are saying that they will be market rate. So what is a market rate for how many bedrooms? Do you all really foresee a demand for this many apartments in this area? Responding to Ms. Rigliano, Mr. Scali stated that we do see a demand which is why they are moving forward with the project. Otherwise, we wouldn't. He appreciates the comments about that northern building. They are very excited about that northern architecture but they are also very nervous about it because it's a product that hasn't really been introduced in Dover lately. The first floors of those buildings are one-bedroom apartments. He believes and then the second and third floors are two story apartments and they have a roof deck. So it is very city living very cosmopolitan type living. It is very different than what you typically see. As far as the breakdown of two and three bedrooms, it's a mix on the two level apartments. He doesn't know exactly what the breakdown is but they think they are all two's. He also doesn't know what their rates are just yet. They are still counting up our construction cost. A lot of what determines that is cost to build so you have to meet a certain yield to determine what the rate is. He doesn't even want to go on record guessing what he remembers. He is the words guy not the math guy in our group so he could really blow it.

Mr. Hill stated that the Northern Apartments are all one and two-bedroom apartments. They are a 50/50 split. For the southern apartments, they are ones, twos and threes. There are a small number of one unit apartments in each building and then the twos and threes are split fairly evenly on that. It is trying to cover all of the markets. Where Mr. Scali said he was nervous about the Northern Apartments, it's because they are all one and two units and that's what makes him nervous. And they are two-story apartments.

Ms. Rigliano stated that she knows they are splitting up the two clubhouses and she is thrilled to have a clubhouse but they can't use the pool. Is there any way that those of us that want to pay extra could get in on that pool? Responding to Ms. Rigliano, Mr. Scali stated that he wouldn't preclude that. They haven't put much thought into that. He thinks first what the developers need to do is see what the demand is from the apartments. These pools are tricky in a sense that everybody wants a pool but no one really ever uses it. In some of our complexes, they are heavily used and some aren't so it's hard to say. Before he commits to that, he thinks we have to see how it goes. You will note that there is not a pool for the residential and that is largely because in their experience and statewide, it puts a huge cost on these HOA's that they don't want to pay anymore. They have another project in Sussex County where they have over 300 houses being built and a national home builder approached us to do the building. They said they don't even want a clubhouse anymore, let alone a pool. He thinks everyone is getting away from that heavily amenitized world where the HOA has to pay for it because a lot of times it doesn't

get used and it just creates a burden.

Mrs. Denney closed the public hearing.

Mr. Lewis moved to approve S-25-04 Eden Hill Farm TND: Residential District – Revised Implementation Plan (Phases 1, 2, 4, 5 & 6 Areas: Lot Configuration, Open Space Areas, Right-of-Ways & Unit Count) regarding the northern clubhouse, the north multi-family and the large opens space area with the large multi-family apartments, seconded by Mrs. Maucher and the motion was carried 5-0 with Mr. Roach, Mr. Baldwin, Mrs. Welsh, and Mr. Witham absent. Mr. Lewis voting yes; just wishes the applicants lots of luck and thank you for your patience. Mrs. Maucher voting yes; based on DAC recommendations. Dr. Jones voting yes; for previously stated reasons. Mr. Reaves voting yes; for previously stated reasons and the DAC recommendations. Mrs. Denney voting yes; she thinks it is a well thought-out and planned project.

NEW BUSINESS

Meeting adjourned at 10:20 PM.

Sincerely,

Kristen Mullaney
Secretary