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March 8, 2024

Delivery Via Email to DMelson@dover.de.us

City of Dover Planning Department
Attn: Dawn Melson-Williams, AICP, Interim City Planner/Building Inspector
P. O. Box 475
Dover, DE 19903

**Re: Notice of Planning Commission Action
Site Development Plan Application S-22-04 Raymond Street and Railroad
Avenue Street Improvements, Dover DE
Tax Parcels: Rights-of-Way in the vicinity of ED-05-067.00-02-53.00-000 and
ED-05-067.00-02-56.00-000**

Dear Ms. Melson-Williams:

This office represents the Property Owner and Developer of the above-described Site Development Plan. As you know, this application was approved by the Planning Commission on March 21, 2022. At this time, we respectfully request that this approval be extended for an additional twelve (12) months under Zoning Ordinance, Article 10 Section 2.43. In addition, we respectfully request that this matter be considered at the next Planning Commission meeting on March 18, 2024. In support of this request, we wish to advise the Planning Commission of the reasons for the requested extension.

As you may be aware, this Site Development has been subject to litigation following the various approvals issued by the Planning Commission. There are presently three (3) active court cases being litigated in the Superior Court of the State of Delaware regarding the Property in question, as captioned below:

- (1) K23A-07-002 JJC; Wilma Mishoe and The Apartments at Mishoe Cove, L.L.C. v. City of Dover Planning Commission and Jemm Investors.
- (2) K23A-10-001 JJC; Wilma Mishoe and The Apartments at Mishoe Cove, L.L.C. v. City of Dover Mayor; City of Dover City Council; City of Dover Board of Adjustment; Patel College Properties LLC and Patel Excess College Properties LLC.

- (3) K23C-12-014 JJC; Wilma Mishoe and The Apartments at Mishoe Cove, L.L.C. v. City of Dover Mayor; City of Dover City Council; City of Dover Planning Commission; Nicholas Rodriguez, Esq.; Patel College Properties LLC and Patel Excess College Properties LLC.

All delays are due to reasons beyond my client's control. None of the above-referenced litigation was initiated by my client. The litigation and surrounding disputes have severely restricted my client's ability to move forward with the Application. Additionally, there have been no known substantial changes to the surrounding neighborhood, no known related amendments to the zoning map or text, or the comprehensive plan and no known waivers or variances have been granted.

Please accept this formal request to extend the Planning Commission approval for this Application for a period of twelve (12) months at the Commission's next meeting on March 18, 2024. The applicants and this office sincerely appreciate the Commission and its staff's time in reviewing and considering our request. Should your office require anything else regarding this request please don't hesitate to reach out to this office.

Yours truly,

Brian T. Riggin

Brian T. Riggin, Esq.

BTR

CC: Dominic Balascio, Esq., Parkway Law LLC

Gregory Rishel, PLA, Pennoni Associates, Inc.

Douglas Barry, Pennoni Associates, Inc.