

CITY OF DOVER PLANNING COMMISSION
JUNE 20, 2023

The Meeting of the City of Dover Planning Commission was held on Tuesday, June 20, 2023 at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system WebEx. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Roach (virtual), Mrs. Denney, Mr. Hartman, Mrs. Welsh (virtual), Mrs. Malone (virtual), and Mrs. Maucher. Mr. Cooper, Mr. Baldwin and Dr. Jones were absent.

Staff members present were Mrs. Mary Ellen Gray, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Ms. Katherine Oehmke, Mr. Jason Lyon and Mrs. Kristen Mullaney. Mr. Glenn Mandalas was present serving as legal counsel for the Planning Commission. Also present were Mr. Alan Hill and Mr. Michael Scali. Speaking from the public were Ms. Annette Mathis, Ms. Rachael Rigliano, Mr. Joseph Blake, Mr. Dwight Chandler, and Ms. Cynthia Wentworth.

APPROVAL OF AGENDA

Mrs. Maucher stated that Conditional Use Application C-23-02 The Hive: Business and Event Center at 28 W. Loockerman Street will not be heard by the Planning Commission this evening due to incomplete public notice. Application C-23-02 will be rescheduled for a future Planning Commission Meeting and will be subject to Public Notice requirements for a new meeting date.

Mr. Hartman stated that regarding the agenda, before they start on that he would like to ask Planning Staff if they have received any documentation between the parties (referencing application S-23-06). Responding to Mr. Hartman, Mrs. Maucher stated that they can address that when we get to that application.

Mr. Hartman stated that this is part of the agenda. If we have not received the documentation that they required at the April 17, 2023 meeting, then he would move that the first item be removed from the Agenda. Responding to Mr. Hartman, Mr. Mandalas stated that he thinks it is a valid point. If there is a flaw with the item and it can't go forward, now is the time to remove it from the Agenda. When the Planning Commission retained him as Counsel on this matter, he did review the record and he did understand that at the last meeting it was continued until the parties would have an opportunity to confer. They have confirmed with him that they have conferred telephonically. He asked them to each provide written reports to him so that he could have an understanding about what they have conferred about and whether any material progress on resolving any of the outstanding issues have been made. Those reports have indicated that there has not been any sort of material advancement at least as to the ownership of Raymond (Street). That reason alone, he does not think is reason enough to defer or continue the item any further. He will be able to explain that a little more when we get to that agenda item, but they have met and conferred.

Mrs. Denney moved to approve the Agenda as submitted, seconded by Mrs. Welsh and the motion was carried 5-1 with Mr. Hartman voting no and Mr. Cooper, Mr. Baldwin and Dr. Jones absent.

APPROVAL OF MEETING MINUTES OF MAY 15, 2023

Mrs. Malone moved to approve the Planning Commission Meeting Minutes of May 15, 2023, seconded by Mrs. Welsh and the motion was unanimously carried 6-0 with Mr. Cooper, Mr. Baldwin and Dr. Jones absent.

COMMUNICATIONS & REPORTS

Mrs. Gray provided an update on the regular City Council and various Committee meetings held on May 22 & 23, 2023 and June 12 & 13, 2023.

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, July 17, 2023, at 7:00PM in the City Hall Council Chambers. There have been new applications that have been filed and we will be processing for that meeting.

Mrs. Melson-Williams stated that the Planning & Inspections Department has no particular updates other than there are a lot of different special events in the City of Dover. From ComiCon that was this past weekend and then the Positively Dover African American Festival coming up next week. Take a look at what's happening in your community.

Mrs. Melson-Williams stated that for the Planning Commission, we have alerted you to an education and training opportunity. It is called "Land Use Law, FOIA & Ethics Training Session" that is scheduled for Tuesday, June 27, 2023 at 6PM in City Council Chambers. This is organized in part by City Council, but they have extended the invitation to other boards and commissions. That Training Session will be led by Mr. Max Walton who is a land use attorney in the State of Delaware that works with a number of municipalities and also is a fellow at the University of Delaware as part of their Institute for Public Administration.

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

Pending Development Application:

S-23-06 College Road Apartments at Railroad Avenue/Grove Street – Continued Review of Site Development Plan for construction of two 6-story mid-rise apartment buildings with a total of 385 units consisting of studio, 1 bedroom, and 2 bedroom units. The ground level of each apartment building is parking and the other site improvements include six 7-car garage buildings, parking lots, landscaping, and recreation areas. The Project also includes street construction/improvements to Raymond Street and Railroad Avenue. A Lot Consolidation Plan will combine the four parcels located east of Railroad Avenue for a total of 31.08 acres of land. These properties are zoned RG-5 (General Residence Zone for Mid-Rise Apartments). The subject area is located north of, but not adjacent to College Road, and east of the Railroad corridor in the vicinity of Raymond Street, Railroad Avenue, and Grove Street. Property Owners:

Patel College Properties, LLC and Patel Excess College Road, LLC. Tax Parcels: ED-05-067.00-02-53.00-000, ED-05-067.00-02-54.00-000, ED-05-067.00-02-55.00-000, and ED-05-067.00-02-56.00-000. Council District 4. *Waiver Requests: Reduction of Parking Requirement. Consideration of Active Recreation Area Plan. The Planning Commission conducted a Public Hearing and began review of this application at their March 20, 2023 Meeting and deferred action seeking additional information. The Planning Commission continued review of this application at their April 17, 2023 and deferred action until the June 2023 Meeting seeking additional information.*

Mrs. Maucher stated that starting with item S-23-06 where action was deferred at the March 20, 2023 and April 17, 2023 meetings. First, we need a motion to continue its review.

Mrs. Denney moved to continue the review of application S-23-06 College Road Apartments at Railroad Avenue/Grove Street. They had asked for some information and she thinks that they would be remiss if they did not allow at least the representative of the application to come forward and update us with any new information, seconded by Malone and the motion was carried 5-1 with Mr. Hartman voting no and Mr. Cooper, Mr. Baldwin and Dr. Jones absent.

Mrs. Maucher stated that she would first refer to legal counsel, Mr. Glenn Mandalas for any guidance on this application and then she will refer to Planning Staff, Mrs. Dawn Melson-Williams and Mrs. Mary Ellen Gray for a reminder briefing on this Site Development Application.

Mr. Mandalas stated that he does see some familiar faces in the room and others may not know me. My name is Glenn Mandalas and I am an attorney with Baird Mandalas Brockstedt and Federico. Our first office was opened here in Dover and we currently have offices throughout the State and in Maryland. Here in Dover, our office is at the corner of State and Division Streets. I have represented municipalities for more than 15 years, and in that time I have seen many contentious applications move through the application review and approval process. The job of a member of the Planning Commission is not an easy one, especially when an application is controversial. It can make a member question why they ever joined the Commission in the first place. And rarely are these public servants given the thanks they deserve for the long hours they spend both outside of the meeting and during the meetings. As we move into this application, I would ask everyone to consider the service of the Commission members before you, and to proceed with the decorum that is appropriate in a proceeding such as this one.

The public record on the application before the Commission has been closed since March 20, 2023. During the April meeting of the Planning Commission, the application as continued to this evening's meeting so that the parties would have an opportunity to confer to determine if any of the issues that have been raised could be resolved. When I was retained by the Coty, I asked legal counsel for the Applicant and legal counsel for the Mishoe family to submit reports on any progress toward a resolution since the meeting in April. In order to maintain the integrity of the public record which, as I noted is already closed, I have not distributed the reports to the full membership of the Planning Commission, but the reports were incredibly helpful to me.

At this stage, the Planning Commission is proceeding under the *Zoning Ordinance* at Article 10,

Section 2, Subsection 2.43 (E), titled Planning Commission Action. That Section provides: “The planning commission shall act to approve or disapprove any application for site development plan received by it either as an original review or as a referral from the city planner under the provision of subsection 2.42 (A) of this article within 45 days or within such additional time as may be consented to by the applicant.”

This application is at the final stage of the Planning Commission’s review process. In addition to site development plan approval, the applicant is seeking a waiver from the parking requirement to provide 683 parking spaces instead of the 867 spaces required under the Code.

Based upon my review of the record, it seems that a question about the ownership of Raymond (Jason) Street has overwhelmed the most recent conversations. The City Solicitor opined in an April 14, 2023 letter that the portion of Raymond Street at issue has been affectively annexed into the City of Dover as a public right-of-way. This Planning Commission has no authority to adjudicate land ownership issues, especially ownership of off-site lands. To the extant there is merit to the theory that Raymond Street was not dedicated to the City with the recordation of an 1899 plot, it’s not the Planning Commission’s responsibility to adjudicate that claim. Similarly, to the extent there is merit to the theory that the annexation actions were not properly conducted, it’s not the Planning Commission’s responsibility to adjudicate that claim. Whether you approve or deny the Application before you, the dispute over ownership will remain because this body does not have the authority to resolve land ownership issues.

After you take action on this application, either approving it or denying it, the parties will continue to have the same ownership dispute and should they so choose, they will be able to adjudicate their dispute in the appropriate court.

Presume for a moment that Mr. Sergovic is correct, and Raymond Street is owned by his client. If the plan is approved and the court later concludes that Raymond Street is not a City Street, the developer will be required to obtain an easement from Mr. Sergovic’s client to utilize Raymond Street, or the developer will need to come back to this body seeking a plan amendment to gain access through some other route.

For all those reasons, in my view, the Planning Commission should not delay action on this application until the ownership dispute is resolved. Instead, I recommend that the Commission deliberate over the merits of the application without giving the Raymond Street ownership issue undue consideration, and endeavor to decide the application.

Mr. Hartman stated that one of the Planning Commission’s obligations under Article 10, Section 2, Subsection 22 is to protect the health, welfare, and safety of the residents for all Site Development Plans. If this was an error in the Annexation, how can the Planning Commission say yes go ahead with this not knowing if it is a problem with the Annexation? That is not protecting the welfare of the residents at all. In the initial wording of the City in their DAC Report of November 3, 2021 has some very squirrely language in it and he would like to read it for the record. “While the right-of-way was not explicitly described in the resolutions of the majority of these properties annexed into the City, it is the City Solicitor’s understanding that because the right-of-way was originally platted for public use, that as the properties were

annexed, the adjacent right-of-ways should have been annexed as well. From our research, it appears that portions of Raymond Street were included in the annexation of certain adjacent parcels.” And it goes on and its Item #5 from the DAC Meeting Report from the Planning Staff dated November 3, 2021. Responding to Mr. Hartman, Mr. Mandalas stated that he would say that there is a valid issue here. There is clearly an issue and parties have made points on either side of it and he thinks it’s an issue that could be adjudicated by a court. He just simply doesn’t think that it’s an issue that the Planning Commission should rely upon to either approve or deny. If Raymond Street, for example, you didn’t think it provided proper access or if you thought Raymond Street for some reason was going to put people at risk and create a health, welfare or safety concern, then he thinks it’s absolutely appropriate for the Planning Commission to be considering those sorts of aspects of Raymond Street. But as to ownership, the record is just unclear and sort of replete with both sides making arguments about ownership and he doesn’t think the ownership issue. As long as you have sufficient evidence on the record to suggest that the Annexations might have been proper or that the dedication might have been affective, he doesn’t think that it is of a level that would be sustainable from a denial perspective. He does think that if the Planning Commission makes a decision one way or another, parties then are at least in a better position to figure out whether they want to adjudicate in the proper court, the ownership issue of Raymond Street.

Mr. Hartman stated that he would just like to point out and he made this point at the hearing, that there was no Traffic Impact Study done. That is one of the things that the residents brought to the hearing, is their concern with the traffic. That was one of the things that they discussed with the City Attorney when he met with them onsite. We have in writing that Dr. Mishoe pays property taxes to the County on this. His point is, if the City erred in this Annexation by not notifying the correct people and just went ahead with this Annexation by mistake, shouldn’t the City be seeking some sort of resolution in court rather than putting the burden on Dr. Mishoe?

Responding to Mr. Hartman, Mr. Mandalas stated that is an issue that he thinks that there could be some court resolution to it and he supposes that the City could seek some sort of declaratory judgement action to have a court declare whether their actions were proper or improper. He just doesn’t think that it is the type of record evidence that you can rely upon to approve or deny the application. He does think that what he was speaking to earlier about the Traffic Impact Study as, there have been items on the record from other agencies that deal with traffic and entrances, but to the extent that you’ve recognized that the Raymond Street access area as one not appropriate for maybe regular traffic, he does think that is record evidence that you could rely upon in your decision.

Mrs. Denney stated that her feelings are very strong that in order for the applicant’s desire for planning to move ahead, that we should address issues like parking waivers and things like that full well knowing that as you pointed out, beyond that the rest of those items, this is a civil matter. We have no jurisdiction or right to really discuss that aspect of it here. This body has no governance over it. She feels strongly that it shouldn’t stop us from reviewing this and allowing them to know what this body and the things that they do have jurisdiction over for recommendation, what they think, feel and what we are going to say about it. She thinks that they deserve going forward, to know that and that’s the purpose of this meeting. Last month when she made the motion to table this for up to 45 days for clarification, she had hoped that meetings and things would take place and we would come back with an absolute answer. But at

this point, based on your explanation, she doesn't think that that is going to come any time quickly. She thinks that we should just move forward with what they can discuss and vote on.

Mrs. Melson-Williams stated that she is going to do a quick version of the Staff presentation just so everyone is reminded of what Site Plan S-23-06 College Road Apartments at Railroad Avenue/Grove Street is. It is a Site Development Plan proposal for two six story mid-rise apartment buildings. They are shown on the screen as L-shaped. They consist of a ground level of parking and then floors 2 through 5 would be the apartment units themselves. A total of 385 units are proposed in a mix of studio, one-bedroom, and two-bedroom units. The project site also includes other parking lot areas in the form of surface parking. There are sidewalks that circulate the site and also Active Recreation as this is a residential development and active recreation components are required. The property is zoned RG-5 (General Residence Zone for Mid-Rise Apartments). RG-5 (General Residence Zone for Mid-Rise Apartments) does allow for mid-rise apartment buildings. There are bulk standards that the project is meeting. There is a maximum building height of six stories and seventy feet in the RG-5 (General Residence Zone for Mid-Rise Apartments). As noted, the applicant initially did make a Waiver Request for the reduction of the parking requirements for the project based on the Code of 2.25 parking spaces per dwelling unit. That 385 units would require 867 parking spaces. Their plan, as initially submitted, includes parking for 683 spaces. There has been some conversation that the applicant has put forward in the past that they could abandon that Waiver Request for parking; so, that may be something that you wish to clarify this evening. The project has other site amenities that are required by Code such as bicycle parking, lighting, dumpsters, and the rear emergency access is satisfied as there are circulation drive aisles that double as fire lanes for the project site. The project really focuses on the development of the western portion of this tract of land. The eastern portion is encumbered by wetland areas and floodplain areas which the *Zoning Ordinance* limits the ability to construct in. The project will do some woodland clearing; however, it is maintaining adequate existing woodlands on the site per our Code. Additionally, they will be planting trees and the minimum number required based on the initial calculations is 158 trees. Their plan, as displayed on the screen, shows all of those funny little circles that are additional trees that would be planted on site which is over 260 new tree plantings. The Active Recreation Area for this project consists of a number of amenities. Focused here it includes a walking path trail that has a fitness component to it. There is a multi-sport court. There is a sand volleyball court and also a pavilion. In all, the total Active Recreation Area they are providing is 6.67 acres which meets the minimum requirement for Active Recreation Area for the project site which is a calculation based on the number of units. The DAC Report for this is dated March 8, 2023 includes the summary and information from the Planning Office in addition to the other regulatory agencies including the Department of Public Works, the Department of Water/Wastewater, the Office of the Fire Marshal, the Electric Department, DelDOT and the Kent Conservation District who have also weighed in with comments. The packet that we provided to the Planning Commission included all of the original attachments that you were provided at the March 20, 2023 meeting. In addition, the meeting minutes from both the March and April meetings of the Planning Commission and the additional items that were provided, specifically a letter from the City Solicitor dated April 14, 2023 and then other email and letter distributions that were made by the City Clerk's Office to the Planning Commission with the receipt of several letters from John A. Sergovic who is representing the Mishoe Family. So, all of those were included in your packet and we tried to give them exhibit numbers to help you out

this evening. She will just remind everyone that the applicant did make a Waiver Request for the reduction of the parking requirement and it will also include consideration of the Active Recreation Area for the plan.

Mrs. Maucher stated that as a reminder, Application S-23-06 College Road Apartments at Railroad Avenue/Grove Street, public hearing was conducted during the meeting of March 20, 2023; therefore, there is not a public hearing this evening.

Mr. Roach stated that he does see that there are quite a few people attending today in person and he understands that we do not have to open it the public tonight; but honestly, with all of the confusion and disputes between other parties, is it possible that they can vote on possibly opening up the public hearing or testimony in regards to this matter? He feels as though that there are so many discrepancies that are going on in regards to what is being said. He doesn't want to be in a situation as to where they are not allowing others to be able to come forth to be able to speak in regards to things that are being said just because there is no public testimony. He is not sure in regards to what rights they have as the Planning Commission to be able to see if there are people in there that may have some other information that they can be able to hear today. He honestly feels as though that at this point in time, based on everything that we have had these past couple of meetings, he would rather just have more information than not. Responding to Mr. Roach, Mr. Mandalas stated that he is sympathetic to Mr. Roach's view. There are quite a few people in the room and he is sure that they would like the option to speak. The issue with the land use application such as this is that there is a public hearing process and the record is open when the public hearing occurs and the record is closed when the public hearing is done. As much as they would like to hear from individuals who are in the room today, other individuals who may be wanting to comment on this application as well, didn't receive any public notice that there would be additional testimony taken tonight. So, the only way that it would be appropriate under the process that's been established in the Code to take additional public testimony, is to repost notice of a public hearing, publish it in the newspaper, give fifteen days' notice, set another hearing date and conduct another full public hearing to allow individuals to speak. It is not simply that it's unfair in some respects to the people that are here to not have the opportunity to speak; it is just as unfair for those individuals who didn't attend tonight because they didn't think there would be opportunity to speak. To maintain the integrity of the record, his advice is to not open up the mic tonight.

Mr. Roach thanked Mr. Mandalas. He stated that like he said before in regards to the issues in regards to the applicant and the owner in question, he would personally love to be able to obtain as much information as we can because as he sees it in his past meetings that they have had, he would much rather be able to allow opportunity for everyone to be able to speak and express their thoughts and any information on things that we continue to gather throughout these months of this application. He would rather have another hearing in regards to them being able to hear everyone's testimony as we continue to move throughout this process. Again, he is the type that would like to at least have all of the information that he can before he makes a decision. It seems like every single month we are getting new information. In his opinion, he would like to table it again and possibly open up another public hearing to be able to get all of the information that we are not receiving in the meeting, opposed to having a closed hearing just because the public hearing is not being held again. Responding to Mr. Roach, Mr. Mandalas stated that the other

relevant issue with regard to considering an additional public hearing is that the City Code does provide for approval within 45 days and that clock has already ticked off. The Code does allow for that time to be extended as long as the applicant consents to the extension of time. In his review of the record and watching the previous hearing, he was reminded that the applicant put on the record that they would not be consenting to any additional time period. So, to the extent of the Planning Commission wanting to move forward, the applicant would have an action to compel the Planning Commission to make a decision on the application.

Mr. Roach stated that a lot of times we run into applications where we haven't had situations like this. As long as he has been on the Commission, there has never really been any outright contesting to ownership of a property. Even if that is not the case, he doesn't know what they can do. But again, at this point in time he would love to be able to have that but if there is a 45 day standard in regards to us being able to allow to open it to the public hearing again. He would just like to continue to allow opportunity and have clear cut evidence or a clear cut decision being made by the City Planner or anyone on here who could basically tell us what the acquisitions that were being made by Dr. Mishoe and the owners of the properties are actually concrete so there is no discrepancy. Again, for him and looking out for all of the outpour from the residents in that area and supposed owners, he just doesn't feel comfortable being a person who can sit up here and make a decision based on something when there is still situations with people contesting that they own something that we are trying to make a decision on.

Mrs. Maucher stated that the underlying ownership issue is not a Planning Commission matter to be decided. She thinks that Mr. Mandalas was pretty clear that that aside, we need to take action on this application on its merits based on what is being presented to us within our purview. Perhaps Mr. Mandalas would like to review the underlying issue and how it is not within our purview. Responding to Mrs. Maucher, Mr. Mandalas stated that the way he boiled this down to its essences is as he said earlier that the Planning Commission is without authority to adjudicate land ownership issues. The Planning Commission neither is with the authority to force the parties to adjudicate land ownership issues. So, we are really at a standstill. The Planning Commission has no ability to compel the applicant or the opposition to go to a court and adjudicate the matter and Planning Commission doesn't have the authority to adjudicate it either. The only action that the Planning Commission can take is the one that is obligated to take which is to either to approve or deny the application. That is why he said earlier that he thinks the Planning Commission should try to make a decision on the application.

Mr. Hartman stated that he understands that it is not the Planning Commission's responsibility or authority to make a determination in these types of matters regarding litigation between people for property. His guilt comes in because this Commission was involved in the very beginning in approving that Annexation. It went from us to City Council which approved it and then it was annexed. He is just saying that maybe they weren't given the right amount of information at the very beginning of this. At the very least, the City should go back and look at how they did this Annexation and learn from their mistakes because this has been a horrendous process for the applicant and for all of the people involved and for the Planning Commissioners. He knows that he has spent 30 hours on it at home. He feels that guilt. He made the motion to annex the property and here he are.

Mrs. Denney stated that she thinks she has said this before here but she often says it with the County. Her feelings are very strong that our Code is not a book of suggestions. The Code of the City of Dover is the Code and it is a reality. If there are issues then there are avenues where somebody can appeal that. The outlying issues are civil matters and we have no right to really address them. Her feelings are that we are down to making a decision no matter who owns the property because we shouldn't ever make a decision on who owns a piece of property. We should make the decision based on what the request is and in this case it happens to be a waiver. No matter who owns the land, would this body agree to waive the amount of parking? She believes that is the issue that we are here trying to address and should address. As Mr. Mandalas stated, we had the public hearing; however, for her she just wants to state as we are about to make votes on this, that we are looking at a property that abuts very narrow streets. We all know that when events happen, people have parties or events and extra people, those who can't find parking end up parking along the side of streets and this is a particularly narrow street. At this point, the one issue that she feels that we should address is that we should not be doing any kind of waiver for parking because it is inappropriate. Where would these people go to park?

Mr. Roach stated that his issue at hand again is the fact that an Annexation or decision was made to have this application actually go in front of us in the first place. It was done in a way that was not presented, in his opinion, in a clear and equitable manner. He feels as though that there is no reason for them to not concentrate on the issue at hand when the issue at hand is the fact that there are questions in regards to the whole entire application. That is just his opinion and as he has said before, he loves and respects every single person on this body. We have always operated in a way that is fair and equitable in regards to any application that walks in here. Honestly, he knows that us being placed in a position to be able to make decisions in regards to applications that come across here, that our first and foremost charge is to make sure that we look out for the people in the City of Dover, Delaware. Tonight there is question to how this application even got in front of us based on ownership and based on the ideas of discrepancies as it pertains to annexations. To him, it doesn't make sense to move forward in regards to any decision without clarity in regards to that situation.

Mrs. Malone moved to approve S-23-06 College Road Apartments at Railroad Avenue/Grove Street to include the Waiver Request for the reduction in parking and the consideration of Active Recreation Area Plan and these recommendations are based on the consideration that has been given on all City departments and City Council, seconded by Mrs. Denney and the motion was lost based on a tied vote of 3-3 with Mr. Cooper, Mr. Baldwin and Dr. Jones absent. Mrs. Malone voting yes; based on the reasons that she already stated, and she will also add regarding the information that the developer has presented to the City Departments and Planning and who has provided everything that he has been requested to provide. Mr. Roach voting no. Mrs. Denney voting no; the project overall she believes that she could vote to approve but she absolutely feels that if we waive parking regulations that we could be setting up problems that our Police Department is going to have to enforce. The bottom line is that the street is too narrow. For instance, if a plan were to expand that roadway at the developer's cost that would be a different story. She realizes that traffic impacts and things like that at this stage of the game, DelDOT doesn't want to even talk about. She has done this for years and DelDOT doesn't even want to entertain traffic studies on something that isn't approved. Approval of the waiver bothers her. Mr. Hartman voting no; based on the waiver approval. Mrs. Welsh voting yes; she concurs

with the statements made by Mrs. Malone. Mrs. Maucher voting yes; the applicant has been in compliance with the City Ordinance and zoning requirements and DAC and Planning Staff recommendations have also identified no issues and it is also consistent with our Comprehensive Plan.

Mr. Mandalas stated that with a tied vote, the motion does not carry. You can take a new motion. Obviously, there was concern over the waivers; so, you could separate those out or take a different motion but at this point, no action has been taken. You could take the waivers separately. You could take a reverse of Mrs. Malone's motion to approve the Site Plan but not the waiver. Or you could take a motion to deny.

Mr. Mandalas stated that he doesn't want to open the record back up but what he recalls from the last record is that Mr. Balascio put on the record that they would gladly provide the parking if they needed to but that would create other issues with unit count, he believes. There was an offer to remove that waiver request. He doesn't know if it was ever formalized or put in any form of writing but there was an offer to remove that waiver request.

Mrs. Denney moved to deny the parking waiver for S-23-06 College Road Apartments at Railroad Avenue/Grove Street.

Mrs. Maucher asked if they needed to do the Site Plan first and then the waivers. Responding to Mrs. Maucher, Mr. Mandalas stated that he doesn't think they need to. He thinks this a relevant motion to bring clarity to that issue because it wasn't clear in the last hearings.

Mrs. Denney moved to deny the parking waiver for S-23-06 College Road Apartments at Railroad Avenue/Grove Street, seconded by Mr. Hartman and the motion was carried 6-0 by roll call vote with Mr. Cooper, Mr. Baldwin and Dr. Jones absent. Mrs. Denney voting yes to deny the waiver; there are other ways to remedy that within the plan with a little thought and redesigning. She feels very strongly that that road is way too narrow and there always tends to be, whether it is a studio apartment, eventually there is going to be issues where people are lined up parked and possibly even on both sides of the road for a graduation or a christening or something. Then our Police Department is out there wasting their precious time issuing citations. She thinks the best thing to do is ask the developer to change the plan and put the parking inside where it belongs. Mr. Hartman voting yes to deny the waiver request; based on concerns with public health, safety, and welfare. Mrs. Welsh voting yes; for reasons stated in the motion. Mrs. Malone voting yes to deny parking waiver. Mr. Roach voting yes. Mrs. Maucher voting yes for reasons stated.

Mrs. Malone moved to approve Site Development Plan S-23-06 College Road Apartments at Railroad Avenue/Grove Street (with the exception of approving the parking waiver request) and inclusive of the Active Recreation Area Plan, seconded by Mrs. Denney and the motion was carried 5-1 with Mr. Roach voting no and Mr. Cooper, Mr. Baldwin and Dr. Jones absent. Mrs. Malone voting yes; because of her previous reasons stated. Mr. Roach voting no; for the reasons stated previously in his comments. Mrs. Denney voting yes; she thinks application goes along with the Comprehensive Plan, it meets the requirements and she thinks the additional housing is needed. Mr. Hartman voting yes; he personally disagrees with it but all of his arguments have

been discounted. He understands their responsibilities under the Code and he will agree with the motion based on the advice of legal counsel here tonight. Mrs. Welsh voting yes; based on the legal comments by Mr. Mandalas and our responsibility here is to vote on the Site Plan. Mrs. Maucher voting yes; for reasons stated previously. The applicant has been in compliance with City Ordinances and zoning approvals and consistent with the Comprehensive Plan and based on comments from DAC and Planning Staff. She would also encourage the applicant to work with the community in examining some traffic calming measures on those roads because she knows having lived near large developments, sometimes those are helpful to address some of the concerns from the community.

NEW APPLICATIONS

S-23-12 Eden Hill Farm TND: Residential District – Revised Implementation Plan (Phases 4, 5 & 6 Areas: Lot Configuration, Open Space Areas & 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 4, 5 & 6 areas: to correct sizes of Lots 6, 7, 8, and 9 (Multi-family Lots); to reconfigure Lot 10 (Multi-family) and adjacent alleys; to convert Lot 11 from Open Space to Townhouse Lots; to consolidate lots (Lots 190-234, 327-338, Open Space) to create Signers Park Open Space of 6.12 acres and to create a Multi-family Lot of 5.28 acres; to consolidate lots (Lots 434-450) to create Open Space of 2.18 acres adjacent to railroad corridor; to abandon certain street and alley rights-of-way; to adjust alignment of Red Haven Way; to increase total unit count from 665 to 725 dwelling units; and to revise phase line 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., LCC and Eden 4DS, LLC. 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. 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, and MI-21-06.*

Representative: Mr. Alan Hill, A H Davenport; Mr. Michael Scali, part of ownership group

Mrs. Melson-Williams stated that we are looking at Eden Hill Farm TND which is a Traditional Neighborhood Design project and we are looking at a Revised Implementation Plan. Specifically, it focuses on Phase 4, 5 and 6 and deals with some lot configurations, open space areas, and a change in unit count. The image on the screen is the entire area that is the Residential District of Eden Hill. What is highlighted in green are areas of open space and one of the areas where changes are proposed is the big green triangle that is kind of on the right hand side of the location. The Residential District of Eden Hill is just over 109 acres and is zoned TND (Traditional Neighborhood Design). This zone has a very specific zoning process in our

Code and back in 2005-2006, it was initially zoned to the TND (Traditional Neighborhood Design). The first Implementation Plan for the project was reviewed by Planning Commission in June of that year. Since that time, there have been a number of Implementation Plans that revised different pieces of the development and this is the current one that is under consideration. The most recent one prior to that was one in 2019 with S-19-25 which targeted some revisions to the Phase 2 areas and created basically two locations for Clubhouse buildings and did some other lot configurations. Your Report from the Planning Office actually outlines all of the many applications that this location has gone through over the years. Some of them require Planning Commission review and others were administrative in nature. The Residential District as approved is a mix of dwelling unit types. It includes single family detached homes, duplexes, townhouses, and also initially they were deemed condominiums but more recently reflected as multi-family units. The project itself is a Revised Implementation Plan. There is also what is known as a Comprehensive Development Standards Manual and they tend to call it the Pattern Book, that is in place and over the years has had a series of Addendums with it. With this proposal tonight, is an Addendum for consideration specifically for the multi-family units and the image of that is posted on the screen here. The Pattern Book needs to outline the bulk standards for the process of ultimately developing a multi-family unit. The images that are presented on the page are examples but the Pattern Book itself goes through material choices for development throughout the Eden Hill TND. Specially, she will use the next slide shown which is part of the applicant's presentation. There are a number of revisions to the Plan that are proposed. In summary, what is shown on the screen in an orange color to the far north is some adjustments to the size of the multi-family lots that are there to really just balance the shape of those lots. To the east of that in the light blue color, there is a proposed reconfiguration of Lot 10 and Lot 11 areas. Again, this is a multi-family unit area and with adjustments to alleys in that area. They are also proposing four (4) townhouse lots to be established once the alleys are realigned for a little better circulation in that location. The biggest change is what is shown in purple and it is an effort to expand the open space and create a new area for multi-family lots. This is the portion of the district that is bounded by Little Eden Way, Eden Hill Boulevard, Skipton Boulevard, Red Haven Way, and the railroad corridor. New development has happened in this area; they are not existing houses and what they are proposing to do is take Signers Park Open Space which is in this area and enlarge it substantially for a large Open Space area of just over 6 acres while also creating a multi-family lot for development of just over 5 acres. Additionally, a series of lots along Red Haven Way between it and the railroad corridor would be consolidated to create another area of open space. Ultimately, they are increasing the open space but also increasing the dwelling counts for the project overall. The next piece of change is just a revision in phase lines. That is really a development construction process aspect that they are looking to adjust. The next piece of the Revised Implementation Plan is an increase in dwelling unit count. Once we do this combination and reconfiguration of units, they are asking for the project to be allowed a maximum of 725 dwelling units. Currently, the project site is approved for 665 dwelling units so that is an increase of 60. There was a higher number at one point in one Implementation Plan that never came to fruition. Tonight, they are looking to increase it to a total of 725 dwelling units. There is a slight change in the mix of unit types and in their number and location. In our Report, they actually tracked out the unit type changes over the years and what those percentages are. This does increase the percentage for multi-family units, but it increases the density while also increasing open space for the project. There are number of site considerations that will have to be ironed out through an administrative process to update any

construction plans should this Revised Implementation Plan be adopted. Those are things related to sidewalks, the tree planting plan, and the details of the open space area and any amenities that they may have. Tonight, you are looking at a Revised Implementation Plan. Just to let you know, out there right now they have over 160 units that have received a Certificate of Occupancy and are for the most part occupied. There are about another couple dozen that are under active construction. The area that is under construction right now is in the western portion of the site and is not impacted by the development changes that are proposed with this Revised Implementation Plan. She would refer you to the DAC Report that was prepared by Planning Staff with our recommendations and other notations for the Plan. With that, there are the comments from the other regulatory agencies related to the Departments of Public Works and Water/Wastewater, the Electric Department, the Office of the Fire Marshal, DelDOT and the Kent Conservation District. All of whom are involved and will continue to be involved in the development of this tract here in the City of Dover.

Mr. Hill stated that the first slide shows the overall limits of the residential portion of the Eden Hill Farms TND (Traditional Neighborhood Design) which was first approved in 2005. Over the past 18 years, the project has been through multiple owners and builders. Most of the time, the project has sat still while those owners have struggled to make the project a success. Mr. Scali and his partners have been able to successfully take on the project and begin to make it a success. But for that success to continue, we need to make these changes tonight to the previously approved plans to make the project viable. The first area that he would like to focus on briefly is the area in the orange at the top of the screen. There are two reasons that this area is highlighted, as Mrs. Melson-Williams previously said. The first is part of the Resubdivision Plan to correct some calculation errors that were on the previously approved plans and then the second part of that is part of the Pattern Book Amendment which will be discussed later in the presentation. The large violet area in the center of the screen is the area that we are changing the most in the proposal. They would like to focus on the area in the blue to begin with. The next slide shows the before and after of the proposal. The left side of the screen is the current layout that we have and on the right are the proposed improvements. The driving forces behind this change was to improve the safety of the access to the Alley N from Banning Street. You can see on the left that the intersection is close but not across from Ann Moore Street which is a road intersecting Banning Street across from Alley N which creates an unsafe condition in their opinion. In moving Alley N to the midpoint between the circle and Ann Moore Street, this will place the alley in the safest access location on Banning Street. A second benefit of this change is that it now allows us to provide all of the necessary parking for the proposed multi-family building which is at the top of the screen, and which is not colored in on Lot 10. It's to have all of the parking north of Alley N so that people aren't crossing the alleyway to reach their apartments from the parking spaces which makes it more safe and adds to the convenience as well. The final part of the changes on this area is to add the four townhouses on Lot 11. These homes will face Banning Street but access will be from Alley M. There are also some comments from the DAC requesting revisions to the width of Alley M which they will be making. Basically, they have the alley right-of-way at fourteen (14) feet, and they are required to make it sixteen (16) feet. That change is just a minor change to what you see before you. The next slide is a close up of the violet triangle that was originally shown. This is the area where the most significant changes to the Resubdivision Plan take place. The shading that you see on this Plan are the roads and alleys that they are proposing to eliminate which contain about 1.5 acres of paved impervious surface.

All of the existing lots shown on this slide will also be eliminated and Signers Park will be increased from less than a half-acre to more than six (6) acres in size. This proposal also increases the open space between Red Haven Way and the State lines along the railroad from approximately one (1) acre to an excess of two (2) acres. The net increase in public open space that they are proposing is over six acres which is an increase in the open space within the residential component of the Eden Hill TND original plan of almost 60%. Once they have removed the roads and the alleys and added the additional public open space, they are proposing a construction of three (3) apartment buildings with related parking. They are not requesting a parking waiver for this; they have enough experience with apartment buildings to know that the required parking is generally the required parking. In addition to the six (6) acres of public open space, there will be an additional 2.5 acres of the five (5) acre parcel that they are creating for the apartments that will also be open areas around the apartment buildings. Primarily to the north and south of those buildings and to the west which will create a parkland in the center of the community of over 8.5 acres. This will provide the amenity of a larger open area which was neglected in the original plan which gives an area where families can gather to throw a football or a frisbee or to kick a soccer ball. It's an area that the original TND (Traditional Neighborhood Design) doesn't have and it's an area that those of us that are old enough to have grown up in older areas had a park. People growing up in places like this don't have a park to go to. They feel like it's an important addition and a valued addition to the neighborhood. The next slide shows the Amendment to the Pattern Book for the community; there have been many revisions made to the Pattern Book since it was originally approved. They are proposing a one page amendment to accommodate the multi-family apartment buildings. When the original Pattern Book was created eighteen (18) years ago, multi-family apartments were not part of the plan. Now, it is the only way to be able to complete the project with the current market trends and construction costs. On the left, is the proposed 40-unit building which will be representative of the buildings proposed as part of the changes in the area shown in violet tonight. The buildings on the right are the 36 unit buildings with ground floor parking that are proposed in the areas that we show on that original plan in orange. The buildings are very different in location within the site which is reflected in the different architectural styles proposed for the building. The 40 unit buildings will be surrounded by the single family home sites and the parkland and as such, will have a much more traditional form for the architecture including gable roof lines that you see on the slide. The 36 unit buildings are on the edge of the community and will be creating a transition from the residential areas to the commercial buildings that are already constructed immediately north of the community. Both of the buildings will use masonry exterior elements with contrasting siding and other materials to provide building relief and architectural balance to the buildings. This proposed Amendment eliminates the middle building setbacks from the property lines to the apartments. Instead, they propose to use the building safety access requirements from the *Delaware State Fire Prevention Regulations* to provide safe emergency services to the apartment buildings. These requirements include restrictions such as a fifteen (15) foot setback between the parking and the building and a ten (10) foot separation between fire lanes and the buildings. This will allow for far more appropriate and flexible building placement than arbitrary building setbacks can provide. The last thing that he would like to mention before he wraps up his presentation is the image on the lower left of this slide. This shows perpendicular parking around the proposed building which is the most efficient way to provide the required parking for the 40 unit buildings. Unfortunately, the City doesn't allow this parking configuration along City streets, so we are making the portion of Red Haven Way between Skipton Boulevard to the south

and Little Eden Way to the north a private road. He does have one other request. That when motions are made, that each motion is made for each individual aspect of the application the way that the Planning Department made their recommendations in the Development Advisory Committee review.

Mr. Hartman asked if he heard them say that they are going to meet the parking requirements of the Code. Responding to Mr. Hartman, Mr. Hill stated, yes they are going to meet the parking requirements.

Mr. Hartman stated what a breath of fresh air to hear that for a change that somebody is going to meet the parking requirements. And you are going to meet the open space requirements and have a park for the community. Responding to Mr. Hartman, Mr. Hill stated yes, they currently meet the open space requirements; they are just adding another 8.5 acres of it.

Mrs. Maucher asked if they had any amenities intended for the open space or is it just going to be open. Responding to Mrs. Maucher, Mr. Hill stated that they are looking to do an open parkland. The residents will create their own amenities in the area.

Mrs. Maucher asked about the private street that will be next to the apartments. he assumes that maintenance of that roadway will be inclusive. Responding to Mrs. Maucher, Mr. Hill stated that it will be tied to the apartments. They will remove the right-of-way line.

Mrs. Maucher stated that your rent would actually cover the maintenance. Responding to Mrs. Maucher, Mr. Hill stated yes.

Mr. Scali stated that the apartments, if you recall in one of the iterations before, the northern apartments have a Clubhouse, and they would be sharing that with the southern apartments. So there are amenities for them but they are just kind of working like heck to keep this field open. They don't want to plan the inside so that kids can play without obstacles. If you will notice too, they even tried to have the fire lane that goes behind the apartments buildings be a green fire lane where it will be structural for emergencies but not just be another layer of asphalt. They are just trying to keep it all open there.

Mrs. Maucher asked who would be responsible for open space maintenance. Responding to Mrs. Maucher, Mr. Scali stated that was a good question. Either the HOA or the apartments could pick it up. It doesn't matter to them. It would probably be something that the apartments would take on because it's the front yard but that is a very good question.

Mrs. Maucher asked if he was referring to the larger area or the smaller area. Responding to Mrs. Maucher, Mr. Scali stated the larger area. The apartments could take that on and he images they would.

Mrs. Maucher opened the public hearing.

Ms. Annette Mathis – 422 S Greenberry Lane Dover, DE 19904

Ms. Mathis stated that she just has a few questions. She would like to say that they are happy to

see that there is some progress going on because every one of us that is here from Eden Hill have been living there for years with nothing being done. You said that there is going to be three apartment buildings, but how many stories? How many stories in the multi-family building? The park that you said was going to be built, will the existing residents that are already there be able to use that park? You also mentioned parking for the apartment buildings. Is the parking going to be on the street or underground or are they going to be parking where they already live? She lives on Greenberry Lane so she wants to know if there is going to be a straight road going through so that they can get to the apartments or the multi-family building. She also wants to ask about the Clubhouse. Are there going to be multiple clubhouses and are the existing residents going to be able to use them? When you asked about the maintenance for the cleaning of the streets of the apartment buildings or multi-family buildings, she believes that you said you think the HOA is going to do it or maybe the building is going to do it. The HOA doesn't do anything now for us. So, she doesn't know about the HOA doing anything. How many stories will the multi-family homes be? Are they going to have for each apartment, their own individual parking spaces? Like maybe two spaces per apartment for the multi-family building or are they going to have a parking lot for them to park in? Responding to Ms. Mathis, Mr. Hill stated that the original slide that had the orange, blue and purple on it, the orange and blue areas are existing approved apartments or multi-family. They are interchanging the two terms: multi-family and apartments. These buildings that are already approved are four stories. There is parking under the building on the ground floor and there is also surface parking off of the alleyways between the buildings. There is some parking along the streets. All the streets have parallel parking as part of the original approved plan so those parking space remain. The 2.25 spaces (per dwelling unit) are within the area. For the new buildings that we are proposing in the purple area are also four stories and that parking is going to be all contained. The parking is between the buildings and along Red Haven Way so that is away from all of the residential areas. Right now, there are three Clubhouse areas proposed on the plan. Right at the bottom of this screen there is an area that is called the Skipton Clubhouse. That is going to be for the houses on the southern end of the site. North of where this plan showed, if you look to the southwest of the orange area, you will see a large blank space on the plan. That is where two Clubhouses will be. There will be one clubhouse for all of the existing townhouses and single family homes that aren't part of the Skipton Clubhouse and then there will be a second clubhouse for all of the apartment buildings shown in the orange, blue and violet areas on the screen. The last question was to do with the HOA and the maintenance areas. He is told that there has to be an HOA for the residential areas and that will become more active as those townhouses and single family homes become completed. They will have their maintenance areas which are the little park areas with the benches that are coming in between some of the units in some of the areas. Those areas are shown in green on the very first slide that the Planning Department shared tonight. But then those areas will be maintained by the HOA. The apartment open space and the open space that they are proposing tonight will be maintained by the apartments and the maintenance corporation that will be set up to run the apartments. None of this proposed open space will be a burden on the existing homes that are in there. But it is going to be fully available to all of the residents. They do not want to exclude anybody in the community. He thinks that it will be good for the community to have all of the different home types to be able to use this same space.

Ms. Mathis asked if they were going to be using the existing HOA. Responding to Ms. Mathis, Mr. Hill stated that the apartments will have a separate HOA. They will have different

maintenance.

Mrs. Melson-Williams stated that there is a question in the chat online. There is a comment from Rachael Rigliano stating that “their HOA is not very effective at all.” Joseph Blake asked “will there be any indoor recreation facilities for residents of Eden Hill or is it all just open space?” She believes that in one of the responses earlier, it identified that there are a series of clubhouse locations planned. She doesn’t know if the applicant needs to expand on that for him.

Responding to Mr. Blake, Mr. Hill stated that there will be clubhouse buildings with fitness centers and meeting areas. They will be the normal community Clubhouse facilities. As far as final designs and plans, they have not been started. The Skipton Clubhouse he believes has been submitted to the Planning Department, but in a very early stage. He is not aware of what the interior is of that one, but he knows that there is a pool.

Mrs. Melson-Williams stated that there is another question from Racheal Rigliano. She asked if there are eight (8) apartment building in total or are there six (6) buildings and is most of the parking going to be under each building. Do you think that there is a market for that many rentals at market rate? Responding to Ms. Rigliano, Mr. Hill stated that there are a total of eight (8) buildings and the research that we have says that there is definitely a market in Dover for apartments; more so than single family homes at this point in time.

Mrs. Melson-Williams stated that Ms. Rigliano has also made the comment “what do people do in Clubhouses with meeting spaces and no recreational facilities?” Responding to Ms. Rigliano, Mrs. Melson-Williams stated that she thinks the Clubhouse building interior layouts are not laid out yet.

Mr. Hill stated that he doesn’t have any information on the interior or the amenities as part of the Clubhouses.

Mr. Scali stated that Mr. Hill is not necessarily in the loop on the Clubhouse design. They had an architect do a design and it was a very traditional design. They sent it back and hired someone else to figure out a better use of the space for today’s people. Less just big open banquet area and more office work space. If you work from home and want to get out of your house for a bit, you can go sit there and do some work. He believes that they also have a fire pit outside. They are just trying to make it a little more modern of a concept, but it takes time. They had to bring in somebody else to kind of reconfigure it and their minds as a company because they have been doing it a different way for a very long time.

Ms. Rachael Rigliano – 411 Ann Moore Street Dover, DE 19904 (virtual)

Ms. Rigliano stated that she knows how this development works a little bit. Some of this is planned with data from maybe 3-4 years ago. She is a little concerned about market rate. She is worried that this is a lot of apartment space that may not sell at market rate. In terms of the Clubhouse, it kind of is what it is. She is not seeing the big banquet room as being all that attractive.

Mr. Joseph Blake – 410 Ridgely Boulevard Dover, DE 19904 (virtual)

Mr. Blake stated that he is a new resident to Eden Hill, and he has been here since January. He

has noticed that there are a number of families moving in with small children. When you start building apartments with multiple units and you have so many children, it seems that there should be something for them to do. There are not a lot of recreational facilities in the area that he can see. That becomes a concern when you have some many people in a small area really with nothing to do. With no outlet for those small children who are going to be here that is a concern in terms of how people live and the quality of life that they live once they get here.

Mr. Dwight Chandler – 407 Ridgely Boulevard Dover, DE 19904 (virtual)

Mr. Dwight Chandler stated that he is happy to see development in the area.

Ms. Annette Mathis – 422 S Greenberry Lane Dover, DE 19904

Ms. Mathis stated that she forgot to ask for the timeframe of this build out and are you going to start building a Clubhouse for the existing Eden Hill that is already here? Responding to Ms. Mathis, Mr. Scali stated that the idea is that the Clubhouse that will serve the existing homeowners and the new D.R. Horton homeowners, his hope is that that's under construction within a year. We need to finalize our plan and then he believes that it goes through Planning Commission to get their feedback on it. We are also going to start those northern apartments sooner rather than later. Hopefully by the start of the fall, at which point that northern clubhouse will be started and then the southern apartments would be under construction at a later time.

Ms. Cynthia Wentworth – 401 Ridgely Boulevard Dover, DE 19904

Ms. Wentworth stated that her question is about Ridgely Boulevard. If she sees that correctly, it is going to extend on out and how long will that be before it's done. Right now, when Pettinaro bought it and they had to do the streets in that gravel area and they made a circle so that people go around the circle and turn. Right now, that three block area has become a mad house of people speeding down it. There are a lot of children in this area now that she is concerned about. She is concerned about the safety issue of the street right now. We have even had hot rods in the evening racing on both sides of the street because it's a divided street going the same direction. How long will it be before that is developed? Responding to Ms. Wentworth, Mrs. Melson-Williams stated that Ridgely Boulevard does continue east. If you are looking at the map on the screen, it does continue kind of between the orange and the violet. It is kind of the middle street that is there. It will interconnect with an extension of the other street network of Banning Street, which then turns into Red Haven Way and then becomes Ruth Way. There is more of the grid pattern to be established with the future buildout here with the site.

Mrs. Maucher closed the public hearing.

Mr. Hartman moved to approve S-23-12 Eden Hill Farm TND: Residential District – Revised Implementation Plan (Phases 4, 5 & 6 Areas: Lot Configuration, Open Space Areas & Unit Count) for the Residential District component of the Traditional Neighborhood Design project known as Eden Hill TND as stated in Item 4 under New Applications of today's agenda and he would further like to specify the appropriate conditions as recommended in the Planning Office's DAC Report #IX titled Recommendations Suggested as Conditions of Approval to Meet Code Objectives, Subparagraph 1-4. This is an ongoing project that we have been involved in and the housing is needed and they meet the requirements of the Code, seconded by Mrs. Denney and the motion was carried 6-0 by roll call vote with Mr. Cooper, Mr. Baldwin and Dr. Jones absent.

Mr. Hartman voting yes; additionally based on the comments and recommendations noted in the Planning Office's DAC Report. Mrs. Welsh voting yes; for reasons stated by Mr. Hartman. Mrs. Malone voting yes; for reasons stated. Mr. Roach voting yes; for reasons stated. Mrs. Denney voting yes; it is refreshing how this follows what the City would like to see. They are not asking for a lot of waivers; they are just building it keeping with what the Comprehensive Plan and what our Zoning Ordinance asks them to. She thinks this type of a development is so sorely needed and she loves the opportunity for both indoor and outside recreation. Sometimes kids just need plain old fashioned grass like she grew up with and maybe a swing set or something like that. Mrs. Maucher voting yes; based on the DAC Report and she would also encourage the applicant to work with the community. She lives in one of those neighborhoods with the guys racing up and down the street all of the time on mopeds or motorcycles. So, if there are any traffic calming measures because it is a straight right-of-way, if there is anything that can be done to help alleviate that situation before it happens.

NEW BUSINESS

No items.

Meeting adjourned at 8:58 PM.

Sincerely,

**Kristen Mullaney
Secretary**