

CITY OF DOVER PLANNING COMMISSION
MAY 20, 2024

The Meeting of the City of Dover Planning Commission was held on Monday, May 20, 2024 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. Cooper, Mr. Roach (virtual), Mr. Witham, Mrs. Denney, Mr. Baldwin, Mrs. Welsh, and Mrs. Maucher. Dr. Jones and Mr. Reaves were absent.

Staff members present were Mrs. Dawn Melson-Williams, Ms. Katherine Oehmke, Mr. Jason Lyon (virtual), and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Mrs. Maucher stated that application C-24-01 Tower-Based Wireless Communications Facility at 640 Lafferty Lane (Rise Up Towers, LLC) will not be heard tonight due to incomplete public notice.

Mrs. Welsh moved to approve the Agenda as submitted, seconded by Mr. Witham and the motion was carried 7-0 with Dr. Jones and Mr. Reaves absent.

APPROVAL OF MEETING MINUTES OF APRIL 15, 2024

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of April 15, 2024, seconded by Mr. Baldwin and the motion was carried 7-0 with Dr. Jones and Mr. Reaves absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, June 17, 2024 at 7:00PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on April 22 & 23, 2024 and May 13 & 14, 2024.

Mrs. Melson-Williams stated that she wanted to share for the benefit of the public that there is an announcement that the City's Customer Service Building located at 5 East Reed Street is going to be closed as repairs are made to the HVAC system. That starts on Wednesday, May 22, 2024 and they are hoping the building will reopen to customers on June 10, 2024. There are other ways to still make payments on your utilities bills. Those include the drive through at that location which will remain open, the payment drop box, and of course there is an online opportunity as well. For more information visit the City's website at www.cityofdover.com for any utility billing questions that you may have.

Mrs. Melson-Williams stated that the Downtown Dover Pathways Study last week had a design charrette known at the Loockerman Street Design Charrette. It was Monday through Wednesday of last week with a series of collaborative meetings, activities, discussions, and Open House events held here focused on the portion of Loockerman Street between South State Street and the split where it becomes Forest Street near the railroad tracks. There is an upcoming public utility

project where water lines and sewer lines will be replaced, hence causing disturbance in the roadway. This was an opportunity to gather design input for how that roadway and the associated sidewalks, etc. go back. They gathered information and that Study will have a final report that comes out this summer and hopefully lends some information to how that project will progress. Our website on the Meeting Agenda includes the link for the Downtown Dover Pathways Project website. It is one of the projects of the Dover/Kent County MPO.

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:

S-22-09 Dover Apartments at Leipsic Road (The Edge) – Request for One-Year Extension of the Planning Commission conditional approval of June 21, 2022, for a Site Development Application for the construction of six (6) 3-story, 46,800 GSF garden style apartment buildings each containing thirty-six (36) units for a total of 216 apartment units. Also proposed are eleven (11) garage buildings, a Clubhouse with Pool, Recreation Facilities, parking, and other site improvements. The approval included a waiver to reduce the parking requirement and the Active Recreation Area Plan with Partial Fee-in-lieu of Active Recreation Area Construction. The property is zoned SC-2 (Community Shopping Center Development Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3: Excellent Recharge Area. The property is located on the southeast side of Leipsic Road east of North DuPont Highway. The owner of record is currently Metropolitan 8, LLC. Property is currently unaddressed. Tax Parcel: ED-05-068.05-01-15.01-000. Council District 3.

Representative: Mr. James Taylor, Verdantas (virtual); Mr. Sam Guarnier, Verdantas

Mrs. Melson-Williams stated that the first application is S-22-09 Dover Apartments at Leipsic Road (The Edge). Planning Commission originally saw this application back in June 2022. It is a proposal for a series of six apartment buildings, some associated garage buildings to serve that, a pool, a clubhouse and other recreation facilities on the site located on the south side of Leipsic Road just to the east of DuPont Highway. It was a total of 216 apartment units. The project has been moving through the review process to achieve agency approvals and they do have several of them in hand including DelDOT, the Fire Marshal's Office, and the Kent Conservation District. The Planning Office actually received today their Final Plan submission of the Record Plan and Site Plans; so, their Final Plan approval is imminent. They have filed a Site Work Permit for the site and they anticipate a Building Permit Application to follow suit soon. Today, they are seeking a one-year extension because with an action by Planning Commission in June 2022, they are coming up on their two-year initial approval. The Planning Commission has the ability to grant an additional one-year extension. She does see the project engineer Mr. James Taylor has joined us online.

Mr. Taylor stated that he wanted to apologize for not being able to be there in person this evening. Mrs. Melson-Williams did a great job at summarizing where we are at in the process which is basically at the end of the approvals. The plans are ready to be submitted for the Building Permits once the Planning Staff has approved the Final Plan.

Mrs. Denney moved to approve S-22-09 Dover Apartments at Leipsic Road (The Edge) for a one-year extension as it appears that they have been doing due diligence but as we know, sometimes these things take a little longer than necessary, seconded by Mrs. Welsh and the motion was carried 7-0 by voice vote with Dr. Jones and Mr. Reaves absent.

SB-23-03 Revised Stonebrook East Planned Neighborhood Design at McKee Road and W. Denneys Road - Request for a Extension of the Planning Commission conditional approval granted December 18, 2023 for the Revised Subdivision Plan to increase the number of townhouses from 87 to 103 townhouses (increase of 16 townhouse units) and to decrease the number of garden apartment units from 168 to 138 garden apartment units (decrease of 30 units). This development known as Stonebrook East Planned Neighborhood Design (PND) proposes 241 dwelling units, recreational areas, open space, and stormwater management areas. The conditional approval included PND- Alternative Design Standards. The property is zoned RM-1 (Medium Density Residential Zone) and approved as a PND (Planned Neighborhood Design Option). The site is on the northeast corner of McKee Road and W. Denneys Road. Property Address: intersection of McKee Road and West Denneys Road. Property Owners: Hanae Harmony Properties and Stonebrook East 168 LLC. Tax Parcels: ED-05-057.03-01-01.00-000 to ED-05-057.03-01-92.00-000. Council District 1.

Representative: Mr. Sam Guarnier, Verdantas; Mr. James Taylor, Verdantas (virtual)

Mrs. Melson-Williams stated that this is a Request for Extension. There is a slightly different timeframe with this one. This application was a combination of a Conditional Use Site Plan Subdivision Application associated with Stonebrook East Planned Neighborhood Design on West Denneys Road just east of McKee Road; kind of at that northeast corner. It was a project that consists of a mix of townhouse units as well as apartment buildings for a total of 103 townhouses and 138 apartment units. With a Subdivision, they are actually only given six months to be moving forward. Again, with this project they have been working on plan submissions that they will be making in the near future to the regulatory agencies to satisfy those requirements. The Planning Commission did review this application back in December 2023 and six months have sped by since Christmas time. They are here tonight seeking a Request for Extension. Again, we have Mr. James Taylor from Verdantas that has joined us online as well as his colleague Mr. Sam Guarnier who is here this evening in person.

Mr. Guarnier stated that they have been working through some stormwater issues that have come up on the site. They had to do some additional testing and they are working through finalizing those plans looking to submit in the near future.

Mrs. Denney stated that we all know that Kent Conservation is inundated and it takes a little longer. Is that the main hold up? Responding to Mrs. Denney, Mr. Guarnier stated yes, they had to do some testing so it kind of pushed things back a little bit. That was the main hold up and we

are getting ready to submit to them now. Everything else is more or less ready to submit.

Mr. Taylor stated that six months for a Subdivision approval is a very short timeframe to go through to get the approvals from DelDOT. With this, we are trying to work through the aspects related to getting the stormwater design to meet the regulations and like Mr. Guarnier said, additional testing was required and that design is done at this point that they will be able to submit in the near future.

Mrs. Welsh moved to approve SB-23-03 Revised Stonebrook East Planned Neighborhood Design at McKee Road and W. Denneys Road for a one year extension, seconded by Mr. Witham and the motion was carried 7-0 by voice vote with Dr. Jones and Mr. Reaves absent.

NEW APPLICATIONS

Z-24-05 Lands of Chiang & Sons Properties, LLC at 1241 College Park Drive: Rezoning C-PO to IO - Public Hearing and Review for Recommendation to City Council of a Rezoning application for a parcel of land consisting of 1.1024 acres +/- . The property is zoned C-PO (Commercial and Professional Office Zone). The proposed zoning for the property is IO (Institutional and Office Zone). The property is located on the east side of College Park Drive (a private street) and north of State College Road. The owner of record is Chiang & Sons Properties, LLC. Property Address: 1241 College Park Drive. Tax Parcel: ED-05-067.00-02-12.08-000. Council District 4. Ordinance #2024-11. *The First Reading of the Proposed Ordinance was held on April 22, 2024 and Public Hearings scheduled for Planning Commission on May 20, 2024 and City Council on June 10, 2024.*

Representative: Mr. Nik Patel, Avi Consulting Group

Ms. Oehmke stated that the Rezoning for Mr. Chiang & Sons Properties, LLC at 1241 College Park Drive is located on the east side of College Park Drive. It's a private street north of State College Road. It's just over one acre. It is currently an office building. It is zoned C-PO (Commercial and Professional Office Zone). This property has a little bit of history. There was a storm that came through Dover and condemned the building. The property was purchased by Chiang & Sons Properties, LLC in July 2022. In September 2022, they did try to put through a Conditional Use Application that was heard by the Planning Commission. It was denied and in January 2023, a Building Permit was approved for renovations. They speedily finished their renovations and received their Certificate of Occupancy by December 2023. The screen shows a rendering of what the building currently looks like. They did a lovely job fixing that up. This is the Site Plan of the property with its parking and landscaping. The use comparison between the C-PO (Commercial and Professional Office Zone) and the IO (Institutional and Office Zone) as you can see on the screen, gives them quite a few more opportunities for tenants to use the space within the building, including as places of public assembly and child care centers. For this property, according to the *Comprehensive Plan* Land Use Category is Office and Office Parks. This allows for mainly day time use and it's tucked into a little office park as you can see here. If there are any questions, we have Mr. Nik Patel, the real estate agent for the client here.

Mr. Patel stated that he is representing the client and the description from Ms. Oehmke was

pretty thorough. Currently, the property is still vacant. It is for sale and lease; they just haven't had any activity. A lot of the requests that they are getting are for uses that are under IO (Institutional and Office Zone) and not the C-PO (Commercial and Professional Office Zone). They felt like this would be a good opportunity to get the building back up and running and hopefully marketable for lease or for sale.

Mrs. Maucher opened the public hearing and after seeing no one wishing to speak, closed the public hearing.

Mrs. Denney stated that she wants to note that within this there is an elimination for street frontage sidewalk as well as the upright curbing and with the change of zoning. Responding to Mrs. Denney, Mrs. Melson-Williams stated that she thinks that Mrs. Denney is mixing up applications; this is a Rezoning application.

Mr. Witham stated that Staff does make a recommendation to the Commission that the proposed zoning is consistent with the *Comprehensive Plan*. He should have asked this question to the applicant earlier, but he was wondering how long this matter has been on the market for the existing businesses under the current zoning? Responding to Mr. Witham, Mr. Patel stated that it's actually been on the market since prior to our completion of our Certificate of Occupancy. So, it's been over eight months.

Mr. Witham asked if there were any takers yet. Responding to Mr. Witham, Mr. Patel stated no.

Mrs. Welsh moved to recommend approval to City Council for application Z-24-05 Lands of Chiang & Sons Properties, LLC at 1241 College Park Drive: Rezoning C-PO to IO, seconded by Mr. Witham and the motion was carried 7-0 by roll call vote with Dr. Jones and Mr. Reaves absent. Mrs. Welsh voting yes; as mentioned in the request for the Rezoning to IO (Institutional and Office Zone), that provides a better opportunity for the parcel to be turned into a viable business and to get rid of a vacant building that is just sitting there and that has been destroyed at one point and now re-accomplished. Mr. Cooper voting yes; for reasons stated. Mr. Roach voting yes; for reasons stated. They have been cooperative with the Planning Staff and it fits the Comprehensive Plan. Mrs. Denney voting yes; she thinks after all of the time and not having any interest in the zoning that exists that the change in zoning may help allow this building to have useful tenants now. Mr. Witham voting yes; for the reasons set forth by his fellow Commissioners and also to include the reasons set forth in the Staff recommendation and this Rezoning would be consist with the Comprehensive Plan. Mr. Baldwin voting yes; for reasons stated. Mrs. Maucher voting yes; for reasons stated.

S-24-05 Lands of Ken Barrett Builders for Office Building at 1413 New Burton Road – Public Hearing and Review of a Site Development Plan Application to permit construction of a one-story 3,026 SF office building and associated site improvements. The property is zoned C-1A (Limited Commercial Zone) consisting of 0.41 acres. The property is located on the east side of New Burton Road, north of Garton Lane. The owner of record is Ken Barrett Builders LLC. Property Address: 1413 New Burton Road. Tax Parcel: ED-05-085.11-01-01.00-000. Council District 2. *Waiver Requests: Elimination of Upright Curbing and Elimination of Sidewalk.*

Representative: Mr. Kevin Minnich, Minnich Engineering

Ms. Oehmke stated that Application S-24-05 is an office building at 1413 New Burton Road. It's on the east side of New Burton, north of Webbs Lane. It is 0.41 acres and is zoned C-1A (Limited Commercial Zone). It is going to be a one story, roughly 3,000 SF office building and they have requested two waivers: one for the elimination of street frontage sidewalk and one for an elimination of upright curbing. The rendering on the screen shows what the site looks like now. It used to be a single family dwelling with a storage accessory structure in the rear. It has a rather large parking lot already. The next rendering shows the proposed site. They have updated this graphic. They have updated their parking to twelve spaces rather than the ten spaces. As you can see, they have already provided for bike parking and dumpster requirements, handicap parking, and they already have their DelDOT entrance for New Burton Road. As you can see here, a view down the street shows that there are not currently sidewalks in this area or upright curbing in either direction. Here are some renderings of what the rear and front of the building will look like. The next rendering shows the side elevations. They have provided a floor plan for us that is consistent with an office or a medical office and we have a Landscape Plan. It will have an opaque barrier fence between the residential properties to the north and then you can see the landscaping will cover the fence on the side of the office.

Mr. Minnich stated that he is representing the new owner, Mr. Ken Barrett. Mr. Bob Larimore (a local land surveyor) was the owner of the property for a long time. He feels like he should ask for a moment of silence since he is no longer with us and he was a good friend. They are trying to redevelop the site and it's a challenging site because it's a small site. It is not a square site; it's a triangle so it places limitations on the site. We do have the DelDOT approval for a small entrance and we do have Kent Conservation District's approval. They still need to get the approval from the Public Works Department and anything else that Planning Department required. As far as the DAC Report, they are all good with that Report. The comments that were in the DAC Report were minor and we can make any changes that were needed in the DAC Report. The two main things are what Ms. Oehmke hinted on which was the sidewalk waiver and the waiver for the curbing. He thinks some of that is tailored because of the type, size, and configuration of the site.

Mrs. Denney stated that she really feels strongly when we start eliminating sidewalks in already developed areas such as this. If we require sidewalk, it's the beginning of what the next one will have to have and then eventually we will have sidewalks. When you think about other businesses and things that are there, it's not a huge piece of property for the sidewalk. She really doesn't like to see eliminations of sidewalk. With the curbing requirement, she is retired from managing an orthopedic surgery group and tripping over curbing blocks creates a whole lot of business. That is not as important unless it keeps a car from going out into a street or into a building. To her, that isn't as great of a situation. She does like to see sidewalks. She thinks they have to start somewhere with getting the sidewalks in or we will forever be without sidewalks. Especially now in that area, we have the Recreation Center and things going on and have more pedestrian traffic.

Mr. Minnich asked if the sidewalk waiver ever been approved by Planning Commission. Responding to Mr. Minnich, Mrs. Melson-Williams stated that the Planning Commission has

considered a number of sidewalk waivers throughout the City. There have been some that have been granted because of future sidewalk projects that were eminent. There have also been others where the configuration of the property or its topography limits the ability to install a sidewalk. Certainly, this property is a strange shape. It is at grade with the adjacent roadway. She believes that Staff had recommended approval of the request for elimination of the sidewalk noting that there is actually shoulder in this area and she believes that as part of the DelDOT approval of their small commercial entrance, they (DelDOT) were not requiring the improvement to include the sidewalk provisions.

Mr. Minnich stated that he did get a follow up email from DelDOT saying that they forgot to say that the applicant will need to pay the cash-in-lieu of the sidewalk. He told Mr. Will Mobley at DelDOT to hold off until they have this meeting tonight because they don't want to pay that until they know whether or not they are going to get the Waiver for the sidewalk. They are aware of that and obviously if they don't get the Waiver, they will probably install the sidewalk because DelDOT's price will probably be a lot more expensive. He just wasn't sure if the sidewalk waivers were ever granted. He hasn't had a lot of luck with that being done; he thinks this is a candidate for a waiver in his opinion.

Mr. Witham stated that he assumes if this property is in grade level with the roadway, if the sidewalk was installed it would be a raised sidewalk; therefore, it would be above the roadway. Is that correct? Responding to Mr. Witham, Mr. Minnich stated probably yes.

Mr. Witham stated that if a person was riding a bicycle and they wanted to use the sidewalk for the short distance that this property consists, they would have to shift their bike upwards on the sidewalk which is a hazard in his view.

Mrs. Maucher asked if there was a map showing the other properties because she lives adjacent to New Burton Road. Isn't it residential next to it? So, there really is not going to be the opportunity for extension. Responding to Mrs. Maucher, Mr. Minnich stated that there is residential to the north of this site.

Mrs. Maucher asked if it was adjacent to residential. Responding to Mrs. Maucher, Mr. Minnich stated yes, it is adjacent to residential.

Mrs. Maucher stated that she doesn't like sidewalks to nowhere and putting a small segment in when there is not going to be an opportunity to connect. How about on the other side the property? Responding to Mrs. Maucher, Mr. Minnich stated no, on the other side, the person is renovating the building on the south side. That is already paved parking in that area so there is no sidewalk per say. There is no sidewalk all the way down to where Delaware State News used to be. That is all shoulder all the way down. The nearest sidewalk is probably down by Puncheon Run.

Mr. Cooper stated that he believes to the north it is the apartment complex and there is no access to the road because there is a fence there. So, he doesn't think that he has a problem with the Waiver. He doesn't see a reason to put it there.

Mrs. Denney stated that also when you put a sidewalk in, it tends to create almost like an ingress/egress point as opposed to the whole parking lot being ingress/egress across the width of it. Again, just because the Rec Center, as she comes and goes and she goes to the Rec Center quite a bit because she also drags her grandkids back and forth from there, there is a little more pedestrian traffic. Some of them are kids and it just seems to her, that that kind of designates an ingress/egress as opposed to just back onto New Burton Road. That troubles her, that there is no ingress/egress and the sidewalk would create that.

Mrs. Maucher opened the public hearing and after seeing no one wishing to speak, closed the public hearing.

Mrs. Melson-Williams stated that there is one individual who joined us online, Elizabeth D. She doesn't believe that she wishes to speak but she did note in the chat to the north of this site, there is no sidewalk that concurs with the statement that Mr. Cooper was making. It is kind of the back side of that adjacent apartment complex and there is a fence there with no access all the way up to Kesselring Drive which is the next intersection to the north.

Mrs. Maucher closed the public hearing.

Mr. Cooper moved to approve S-24-05 Lands of Ken Barrett Builders for Office Building at 1413 New Burton Road to include both Waiver Requests for the elimination of upright curbing and the elimination of sidewalk, seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote with Dr. Jones and Mr. Reaves absent. Mr. Cooper voting yes; based on Staff recommendations and the application as a whole. He thinks that the sidewalk discussion is the first time in his entire life that he has ever disagreed with Mrs. Denney but he thinks that a sidewalk to nowhere on that short little block doesn't do much. Mr. Roach voting yes. Mrs. Denney voting yes; because she thinks that the zoning change needs to happen there. Unfortunately, she is not agreeing with the other part but as a whole she does think the zoning should be changed. Mr. Witham voting yes; for the reasons set forth on the record tonight as well as what is set forth in Staff recommendations. It appears that while the waiver on the sidewalks is somewhat unique and may be the first time that we have done this, but it does seem to meet the requirements according to Article 5, Section 18.5 as well as the requirements for the waiver of the upright curbing in accordance with Article 6, Subparagraph 3.6B. Mr. Baldwin voting yes. Mrs. Welsh voting yes; for the reasons previously stated. Mrs. Maucher voting yes; based on DAC comments and Staff recommendations.

S-24-06 Revised Leander Lakes III Apartments – Public Hearing and Review of a Revision to the Site Development Plan Application S-23-04 for the construction of eight (8) 3-story garden style apartment buildings and 1 (one) 2-story 8 unit building for a total of two hundred (200) units and Active Recreation Areas to be known as Leander Lakes III. The Revised Plan involves the reconfiguration and relocation of the access drive connection to Forrest Avenue for the apartment complex. The parcel with the Access Drive is zoned RM-2 (Medium Density Residence Zone) and partially subject to the COZ-1 (Corridor Overlay Zone). The Apartment Complex project area (future 25-acre parcel) is zoned RM-2 (Medium Density Residence Zone) and partially subject to the COZ-1 (Corridor Overlay Zone) with the balance of this parcel zoned R-10 (One Family Residence Zone) and partially subject to COZ-1 (Commercial Overlay Zone).

The property is located on the south side of Forrest Avenue west of Dover High Drive. The owners of record are Leander Lakes IV, LLC (previous owner: Jireh Christian Center) and Calvary Baptist Church of Dover with equitable owner/developer as Leander Lakes III, LLC. Property Addresses: 2161 Forrest Avenue and part of 2285 Forrest Avenue. Tax Parcels: ED-05-075.00-01-05.00-000 and ED-05-075.00-01-06.00-000. Council District 1. *Waiver Request: Elimination of Curbing on Access Drive. This site was granted conditional approval for a 200-unit apartment complex with Site Plan S-23-04 Leander Lakes III by the Planning Commission on February 21, 2023. A Minor Subdivision Plan to create the 25-acre parcel for Leander Lakes III has been approved.*

Representative: Mr. LB Steele, Leander Lakes III, LLC; Mr. Jim Eriksen, Solutions IPEM

Mrs. Melson-Williams stated that application is a Site Development Plan. It likely looks familiar to most because there was a previous application known as S-23-04 that was considered by the body back in February 2023 for this apartment complex project. The apartment complex is a series of buildings with a total of 200 units. What is shown on the screen is part of the previous location. It was part of the property located at 2285 Forrest Avenue where the Calvary Baptist Church is under construction. This project involved a Minor Subdivision that focused on 25 acres on the eastern portion of that property and it was proposed for development. Now for the new site area, the subdivision to pull out that 25 acres has actually been completed in recent weeks but their project has picked up an additional land mass and that is the property located at 2161 Forrest Avenue. Most people may know that as property being in the ownership of Jireh Christian Church. It was the Destiny Christian Church property and with this additional area they are looking to revise the site access for this apartment complex known as Leander Lakes III. Originally, the proposal was to provide a linkage to Forrest Avenue by way of the narrow tract of land that they owned along the Calvary Church eastern boundary and link into the Calvary access point that will lead to Forrest Avenue. With this Revision, they are looking to create a different access road that would travel across the church property moving north and then interconnecting with what is the existing drive and its existing connection to Forrest Avenue. There is kind of a meandering path or driveway that exists that goes to that Destiny Christian Church property. Leander Lakes III is proposed that it would interconnect first off with Leander Lakes I at two points of Isabelle Isle. That was always in the plan but what is changed is the connection that travels north and in this case, would link to that Destiny Christian Church drive. On the Plan itself, they have actually gone through and made a number of the updates to the plan set that was previously identified back in 2023. There was an Active Recreation Area Plan at that time that was reviewed for the apartments and makes a series of recreation areas, fitness areas, game play for corn hole and horseshoes as part of a larger walking trail network for the project site. To talk a little bit about the apartment complex itself, what you kind of see in the white ring shown on the screen is the series of parking lot spaces. The buildings are the next inter-ring. There is a walking trail system that links from the buildings and around their rear. In the center are two areas that would be part of the stormwater management for the site. The property is bisected by this stream corridor that they are working through the appropriate permits for crossing of that stream corridor with the drive aisle that will exist for the apartment complex. The apartment complex is required to have rear emergency access to the buildings and that is achieved by what they call a “super sidewalk” because it would be a sidewalk area that is to the rear of the building that is ten (10) feet in width and then has additional four (4) feet of grass

pavers on either side for a total width of eighteen (18) feet that would allow for fire apparatus to access the rear of these buildings. Something that you hope you never need; but in the meantime, it will also serve as part of the walking trail system for the project site. The apartment complex is proposing the adequate number of parking spaces at 450 parking spaces; that meets our Code requirements. Likewise, their Plan includes lighting and dumpsters. The stream has a buffering requirement from it because it is identified as wetland areas. They intend to maintain a 50 foot riparian buffer through that area. Additionally, while there is some woodland removal for the project, the overall site will have to plant additional trees as part of their development activity and we are looking at well over 300 trees. The requirement would be 341 and their initial plan is showing 367 trees. Part of the property is adjacent to Forrest Avenue when you take into account this access drive. That portion of the property is subject to the Corridor Overlay Zone but most of those provisions do not come into play other than some tree planting requirements because the major area of development is not within the Corridor Overlay Zone. As part of the Development Advisory Committee Report, Planning Staff has granted approval to their Waiver Request that they have filed associated with this access drive and that is for the partial elimination of upright curbing along that access drive. That is something that Staff has the ability to grant when it's tied to stormwater management practices. We see this access drive as its first rendition and future development may be forthcoming on the parcel 2161 Forrest Avenue would likely change the format of that access drive. In updating their plans, the plan is also indicating that they are planning for EV charging and putting in place, the infrastructure that would allow for at least two spaces for each building. The variety of comments that follow as part of the Development Advisory Committee Report are from the regulatory agencies including the Department of Water/Wastewater related to water services. None of the streets or access drives that they are proposing would become City streets with this project. They are linking to roads that are State maintained roads so DelDOT has had some comments and has worked with the applicant in that regard. They continue to work with the Kent Conservation District related to stormwater management planning and then the associated permits related to that stream crossing with the appropriate agency components of DNREC.

Mr. Eriksen stated that as described by City Staff, this application is for 200 multiplex dwellings as well as a Minor Subdivision for the parcel located at 2285 Forrest Avenue in Dover. This site may look familiar to some of you as this site has already received preliminary conditional approval for this exact use in February 2023. As Staff described, they are back today because they would like to make an adjustment to the access road connecting to Forrest Avenue. The access road previously interconnected to the Calvary Baptist Church entrance and they are proposing to relocate that access road such that it utilizes the existing entrance just east of there, which is in front of the future Leander Lakes IV Project. If you look at this next slide, you see the previously approved Leander Lakes III Project. At the time of the previous presentation, the developer owned the existing Leander Lakes parcels and he had a contract in place for this 25 acre piece of land known as Leander Lakes III. He did not own the adjoining parcel just east along Forrest Avenue which is labeled as "future Leander Lakes IV" on the screen. Upon development of Leander Lakes III, that parcel would have been surrounded by other Leander Lakes project; it was the hole in the doughnut. At the time that Leander Lakes III was brought before the Commission last year, they had limited options for any connection to Forrest Avenue. Basically, the only option was to provide a connection to Forrest Avenue through Calvary Baptist Church's proposed entrance because of that "hole in the doughnut." Shortly after the

approval of Leander Lakes III, the developer was able to secure the future Leander Lakes IV parcel. Leander Lakes IV was brought before the Commission for a Rezoning in April 2023 and the developer has since fully purchased the Leander Lakes IV parcel. Now having a better picture of the future, the developer has brought Leander Lakes III back to the Commission to request for the access road to be relocated and connect to the existing entrance in front of the Leander Lakes IV parcel rather than the future entrance in front of the Calvary Baptist Church. The developer intends to eventually develop Leander Lakes IV but has anticipated moving forward with that after Leander Lakes III. The next slide shows the proposed Leander Lakes III Plan which shows the access road in the future Leander Lakes IV parcel. Due to size and shape of the Leander Lakes IV parcel, whenever that would be developed, there would likely be a roadway constructed that would parallel the original Leander Lakes III roadway for approximately 809 LF. This redundant infrastructure would be very wasteful and therefore is generally considered a poor land planning practice. It would increase construction costs as well as maintenance while providing very little benefit. These costs would ultimately result in higher rents for future tenants of these properties. With that in mind, the decision was made to adjust the Leander Lakes III Plan to move the access road per the Plan that you see in front of you today. At the time of that decision, we were diligently pursuing approval of the previous layout of Leander Lakes III and they were just about to submit their onsite engineering drawings to the City. They were nearing approval of our DelDOT Plans and had a round of review with Kent Conservation District. They paused on these processes so that they could make a final determination on a path forward. They had to meet with DelDOT and the City to verify general feasibility and discuss anticipated impacts and ensure they had a clear path forward. It took some time to get all of that actually squared away and figured out, but they are comfortable with their path forward at this time and all be it. This is a minor revision. It did take some time to figure it all out.

The next slide shows an updated traffic distribution exhibit for DelDOT. Obviously, there is a considerable amount of analysis of the DelDOT impacts and DelDOT is in general agreement with their traffic information and plan. To summarize and simplify, the DelDOT impacts for Leander Lakes III project revisions, the trips that were previously anticipated to use the Calvary Baptist Church shared entrance are now anticipated to utilize the entrance in front of the future Leander Lakes IV project. Beyond that, the overall impacts on the roads are still very similar to what was previously presented. Leander Lakes III will be subject to the Area Wide Study Fee meaning that the trip generation is not significant enough to warrant a Traffic Impact Study. Instead, DelDOT will identify any DelDOT projects in the area and the developer will be responsible for contributions to those projects based on the site's share of traffic. This project would also be responsible for any additional improvements required at the existing Leander Lakes IV entrance to provide an entrance in compliance with DelDOT regulations. Leander Lakes III will still have multiple access points and residents will still have the ability to utilize the traffic light at the Dover High Drive intersection which will allow for better turning movements as well as limit impacts on Forrest Avenue. There are still interconnections and shared entrances for Leander Lakes projects; however, this updated design ultimately gives control of these entrances that are utilized by Leander Lakes entirely to the developer. The developer does not have to have concerns with impacts in coordination with the Calvary Baptist Church's project but will still have the same range of options available to the future residents to utilize the best option available to enter and exit the site which will allow for a better flow of

traffic and less meaningful impacts on Forrest Avenue. It also allows for a range of options for emergency service vehicle access in the event of a road closure or another emergency. He believes that largely covers the actual revisions to the plans. The next slide shows that they are back at the aerial exhibit. Beyond the access road revision, the rest of the Site Plan is generally in accordance with the previous design which was presented to the Commission last year. Staff did a very nice job of explaining that layout and all of the details of it. As noted by Staff, they did update the Plan to address any kind of conditions or considerations that were requested by the Commission. They are moving forward with the Plan in front of you. To avoid any more redundancy, he is not going to go into details on those areas as they were previously approved. He will just generally state that everything is largely the same from a big picture land planning standpoint. The site is still in the same proper investment level areas. It complies with the *Comprehensive Plan*. It's a permitted use. There is adequate parking and it provides for stormwater management and utilities in an identical matter as what was previously presented.

Mrs. Denney stated that ultimately everything is pretty much staying the same with the additional piece of property, but the ingress/egress to Forrest Avenue is going to have a better solution than going to Calvary Baptist Church. Responding to Mrs. Denney, Mr. Eriksen stated that is correct. This is a better plan for the future development of Leander Lakes IV. It avoids that redundant road. You would have two roads right next to each other like fifty feet apart.

Mrs. Denney asked if this eliminates that and just puts the one complete entrance out to Forrest Avenue? Responding to Mrs. Denney, Mr. Eriksen stated yes.

Mrs. Welsh asked if the road that they are connecting to on the Revised Plan is an existing road. Responding to Mrs. Welsh, Mr. Eriksen stated yes, it is existing.

Mrs. Welsh stated that she just wanted to make sure that it wasn't planned for the Leander Lakes III and it's not really there yet. Responding to Mrs. Welsh, Mr. Eriksen stated that it's there.

Mrs. Maucher opened the public hearing.

Mr. Miles Minear – 42 Paradise Lane Dover, DE 19904

Mr. Minear stated that he is a resident within two hundred (200) feet of this project. His question is that at this point we are going to have two exits and entrance: one being with a traffic light and the other not having a traffic light. Is that correct? Responding to Mr. Minear, Mrs. Maucher stated no, she thinks the applicant can clarify.

Mr. Eriksen stated that they have two options off of Dover High Drive. Those two are through the existing Leander Lakes Apartments that are out there. To utilize that to get off of Forrest Avenue, you would utilize the traffic light at that intersection as well as the other entrance that we have a more direct connection to that is the existing entrance to the existing Destiny Christian Church. They would be making improvements to that entrance with this project.

Mr. Minear asked that as Leander Lakes IV comes into the picture, at that point you are going to be requesting another ingress/egress? Responding to Mr. Minear, Mr. Eriksen stated that the intention is to not add another entrance with Leander Lakes IV. There may additional

improvements required with Leander Lakes III when you add the additional units.

Mr. Minear stated that at this point, there would only be two spots affected on Forrest Avenue; the one with the light and the one without. Responding to Mr. Minear, Mr. Eriksen stated yes.

Mr. Steele stated that with the curb cut which is existing and the existing road by Destiny Christian Church, what they are doing instead of bringing a road down their flagpole piece and connecting to Calvary Baptist Church is omitting any connection to the Calvary property. They are using what became their own property. They do not own this parcel (pointed at a parcel on the screen) on the corner of this property. There will be two ingresses/egresses total. (Dover Christian Church property at 1738 Forrest Avenue.)

Mr. Minear asked for Phase IV, where are they looking to egress? Responding to Mr. Minear, Mr. Steele stated that they are going to use this road (pointed to road on screen) and something will spit back out up to here (pointed to area on screen, of the same entrance drive to Destiny Christian Church property). Truthfully, this has not been drawn yet. They've got some ideas, but they haven't finalized it. It's probably going to be four buildings in a circle.

Mr. Minear asked if there was any potential connection (on Forrest Avenue). It is his understanding that a roundabout is going in on Sharon Hill Road and Artis Drive in the future. Is there any potential connection to that? Responding to Mr. Minear, Mr. Steele stated that they don't own anything to the west.

Mrs. Maucher closed the public hearing.

Mr. Witham moved to approve S-24-06 Revised Leander Lakes III Apartments as it does comport with what Staff had recommended in comments and this seems to be a much more viable way to resolve the connection for the applicant as opposed to what was apparently in the process before and also inclusive of the waiver for the elimination of curbing on the access drive, seconded by Mrs. Denney and the motion was carried 7-0 by roll call vote with Dr. Jones and Mr. Reaves absent. Mr. Witham voting yes; this Plan is a very comprehensive plan that is a well thought out plan with a number of already preapproved recommendations and does comport with what they would like to see from all builders and developers. Mr. Baldwin voting yes; based on Staff recommendations. Mrs. Welsh voting yes; it is a very frugal revision to the entrance of the property. Mr. Cooper voting yes; for reasons stated. Mr. Roach voting yes; for reasons stated. Mrs. Denney voting yes; she thinks that this change in the ingress/egress is like the finishing touch and obviously the Plan was previously approved. She just wants to note that she really appreciates the comments that they get from the State Planning Office with regard to these and to her, that is like the finishing touch when you read everything that has been said. Also appreciated is the addressing and sharing this ingress/egress instead of making multiple entrances and exits out on Forrest Avenue. Mrs. Maucher voting yes; based on Staff recommendations, DAC comments and our prior approval of the project as this is just a modification to the entrance.

NEW BUSINESS

Meeting adjourned at 8:27 PM.

Sincerely,

**Kristen Mullaney
Secretary**