

**CITY OF DOVER PLANNING COMMISSION**  
**JUNE 18, 2018**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, June 18, 2018 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Mr. Holden and Ms. Edwards were absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mr. Julian Swierczek and Mrs. Kristen Mullaney. Also present were Mr. Jesse Allen, Ms. Donneisha Alston, Mr. Leonard Iacono, Mr. William Russell and Ms. Katie Burke. Speaking from the public was Mr. James McKinney.

**APPROVAL OF AGENDA**

Mr. Tolbert stated that the Conditional Use Application C-17-06 Pride of Dover Elks Lodge at 217 North Kirkwood Street will not be heard by the Planning Commission tonight due to incomplete public notice. This application and its public hearing will be rescheduled for a future meeting.

*Mrs. Welsh moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden and Ms. Edwards absent.*

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF MAY 21, 2018**

*Mr. Holt moved to approve the Planning Commission Meeting minutes of May 21, 2018, seconded by Mrs. Welsh and the motion was unanimously carried 7-0 with Mr. Holden and Ms. Edwards absent.*

**COMMUNICATIONS & REPORTS**

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, July 16, 2018 at 7:00pm in the City Council Chambers.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on May 29, 2018 and June 11 & 12, 2018.

Mr. Hugg stated that the Planning Staff have been very busily involved in working on updating the *Comprehensive Plan*. They had a workshop session last Wednesday at Wilmington University with a number of representatives from higher education and some local business owners to talk about the future economy of Dover. That was part of the input to the process. Staff has been meeting weekly to refine information on the *Comprehensive Plan*. If you didn't notice on your way in this evening, out in the lobby on a desk is the Planning Survey that is both in electronic form and a hard copy for people to provide input to Planning Staff on a variety of related issues.

Mrs. Melson-Williams stated that they have an update scheduled for a little more detailed information on the *Comprehensive Plan* later in this evening's meeting.

**OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS**

Mrs. Melson-Williams presented the audience information on policies and procedures for the meeting.

**OLD BUSINESS**

- 1) Requests for Extensions of Planning Commission Approval: None
- 2) Update on Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

Mrs. Melson-Williams stated that they have no new information to report to the Commission. The Committee as it currently stands includes a couple of members of the Planning Commission and the Mayor or his designee. Staff is still working to confirm the design professionals that would sit on that Subcommittee.

- 3) MI-18-03 Text Amendments: Manufactured Housing and Land Lease Communities (*Dover Code of Ordinances*, Chapter 66 and *Zoning Ordinance*, Article 3, Section 8 and Article 12) – The Planning Commission on March 19, 2018 tabled action and then on April 16, 2018 deferred action until June 2018 seeking additional information on the Review of Proposed Ordinance #2018-01 of Text Amendments to the *Dover Code of Ordinances*, Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities; to *Zoning Ordinance*, Article 3, Section 8- Manufactured Housing (MH) Zone; and to *Zoning Ordinance*, Article 12- Definitions. *The Public Hearing was held on March 19, 2018. Planning Staff is working on the information requested by the Planning Commission and will provide an update report; continued review is recommended for a future meeting.*

**Representatives:** None

*Mr. Tolbert recused himself from discussion of this application.*

*(Mrs. Welsh took over as Chairwoman of the meeting due to Mr. Tolbert being recused and the Vice-Chairman Mr. Holden being absent)*

Mr. Hugg stated that as you recall this Text Amendment came to the Commission at the March 19, 2018 meeting. The Planning Commission reviewed and held a public hearing for this proposed Ordinance which deals with manufactured housing and land lease communities. This has been a somewhat contentious Ordinance both from the time it was introduced and passed a couple of years ago and in the process of trying to develop some amendments that correct both inconsistencies in the initial Ordinance and some refinements that we felt were important. He is pleased to tell the Commission that in addition to a lot of work by Mr. Diaz, they did meet on June 6, 2018 with Mr. Michael Morton who represents the manufactured housing community. The Staff memo that is in your packet dated June 8, 2018 lists a number of changes that they are looking at for consideration. These are ones that both Mr. Morton and Staff believe can be accommodated and have improvements made in the Ordinance itself before it comes back to the Planning Commission and then City Council. Staff will be proposing a Staff Amendment #2 to

bring back to the Commission within a month or so. He thinks that they are pretty close to having an agreement. There is a fundamental legal concern about whether the State Law effectively pre-empts the City from applying some of these standards. They kind of agreed to disagree and that particular piece will be discussed at a later date by Mr. Morton and the City's Assistant Solicitor, Mr. Bill Pepper. Staff is substantially on the same page with Mr. Morton on the rest of these items. Even though there are some that he isn't fully in favor of, Mr. Morton understands what Staff is trying to accomplish and he will ultimately be supportive.

Mr. Hugg stated that for purposes of tonight the Planning Commission could authorize the Staff to continue working on this second amendment and ask them to come back to the Commission to present either the amendment or a status report at the August 2018 meeting. If Staff is not ready at that point, they will consider a later date.

Ms. Maucher questioned if the City's legal counsel had been involved in any of these discussions to date? Responding to Ms. Maucher, Mr. Hugg stated yes. Mr. Bill Pepper has met with Staff and has also talked to Mr. Morton during this time period. The changes that Staff is recommending have all been vetted through Mr. Pepper and he feels that they are on sound legal ground to proceed with them, putting aside the question of preemption.

Dr. Jones questioned if current owners would be grandfathered in for the new rental agreement and property management contract? Responding to Dr. Jones, Mr. Hugg stated that this would be proactive as any of these items came up for renewal. The question that we run into is that there is no kind of standard that says all of these particular terms have to be in everyone's rental agreements. In order to give some flexibility, there has to be a certain agreement about what maintenance means but it may be in Park A that the contract between the tenant and the landlord has some different language than someone in Park B. As long as they meet the standard, either one would be acceptable. The idea was that as lease agreements were renewed or revisited then those provisions would be specified or clarified.

Dr. Jones stated that she believes that during the initial discussion she had a question on number 7 and she still does. The last sentence reads "there must still be an office of some kind accessible to residents." What does "accessible" mean in terms of proximity? Responding to Dr. Jones, Mr. Hugg stated that he thinks that is one of those details that they are still working on. The concern that was raised by Mr. Morton is that there are some very small parks and facilities where physically having an office present would be unreasonable and a burden; it would probably not serve the community very well. The intent in number 7 is that they can't not have an office. They have to have some office that provides service to the tenants. It may not have to be onsite but they will continue to have that discussion. He wouldn't want it to be in Wilmington or someplace remote from the site but it could be at another park or it could be at a real estate office in town or something of that nature.

*Ms. Maucher moved to allow Planning Staff to continue working on this Text Amendment and to bring an update to the August 2018 Planning Commission meeting, seconded by Dr. Jones and the motion was carried 6-0 by voice vote with Mr. Tolbert recused and Mr. Holden and Ms. Edwards absent.*

**NEW APPLICATIONS:**

- 1) AX-18-01 Lands of Jesse L. Allen at 3074 N. DuPont Highway – Public Hearing and Review for Recommendation of an Annexation Request and Rezoning Request for a parcel of land totaling 0.69 acres +/- located at 3074 N. DuPont Highway. The property is currently zoned BG (General Business District) in Kent County. The proposed zoning is C-4 (Highway Commercial Zone). The property is located on the east side of North DuPont Highway and north of but not adjacent to Woodford Street. This annexation will include the adjoining right-of-way of North DuPont Highway equal to the property's frontage width to connect the property to the existing City boundary on the west side of North DuPont Highway. The annexation category according to Dover's 2008 *Comprehensive Plan* is Category 1: High Priority Annexation Areas and the land use designation is Commercial. The owner of record is Jesse L. Allen. Property Address: 3074 N. DuPont Highway. Tax Parcel: ED-00-057.02-01-04.00-000. Proposed Council District 3. Ordinance #2018-04.

**Representatives:** Mr. Jesse Allen, Owner

Mrs. Melson-Williams stated that this is a request for annexation into the City of Dover. First, with any annexation they have to look to the City's *Comprehensive Plan*. In looking at the *Comprehensive Plan* in reference to the property at 3074 North DuPont Highway, they find that it is in a dark green area which is a Category One - High Priority Annexation Area. It is areas that are anticipated to be annexed into the City within a reasonable timeframe. They are areas that are ultimately surrounded by areas that are in the City. This is one parcel in what is a much larger area that is currently surrounded by the City on the northern part of Route 13. Moving on to the second map that they always have to look at with the *Comprehensive Plan*, they have to look at what the *Comprehensive Plan* envisions for future land use activities on a particular property proposed for annexation. In this case, this map found in the *Comprehensive Plan* identifies the land use classification as commercial. With that land use classification of commercial, Staff then looks at what is a matrix of different types of zoning that could be placed on the property. In considering the rezoning of the property to a City of Dover zoning classification, they have to look at compliance with the table and map of the Plan as well as the general character of the surrounding area such as other adjacent land uses.

This property is located on the east side of DuPont Highway, basically across the street from the Dover Town Center. The areas on the west side of Route 13 are in the City and with this annexation; it would then be connected across Route 13 to properties already in the City thus making it contiguous. The surrounding land uses in the area are focused on commercial. Its neighbors on the east side of Route 13 include a variety of different commercial uses. Further to the east is a residential area that is currently located in Kent County. This property currently has a zoning classification of BG (General Business Zone) in the County and is seeking the C-4 (Highway Commercial Zone) zoning classification in the City of Dover. C-4 (Highway Commercial Zone) is one of our higher intensity commercial zones allowing for a variety of retail and service industry type functions. Our report actually lists all of those uses that are permitted in the C-4 (Highway Commercial Zone).

As part of this process, the utility availability is looked at. The City of Dover is actually the

service provider for electric for this location. The property is currently not served by City water and sanitary sewer. In the case of water and sanitary sewer, the closest City services are actually on the west side of Route 13; however, installation of those services to cross Route 13 is challenging at best because of crossing Route 13 in the corridor and needing DelDOT approval. There are some City utility services on the east side of Route 13; however, they are not in that close of proximity to this particular location. Coming out of that, there are certainly some recommendations and additional discussions because of the challenges presented with water and sanitary sewer service provisions. Additional discussions would need to occur with the applicant as well as with the City's Public Works Office and potentially other utility providers. There is a utility provider, Tidewater in the general area. Also, utility services may mean with interaction with State agencies like DNREC and DelDOT.

The recommendation of Planning Staff is for annexation of the property, finding that the *Comprehensive Plan* supports annexation; it is a Category 1 area. The potential zoning classification of C-4 (Highway Commercial Zone) is consistent with development in the general area and again consistent with the *Comprehensive Plan*. The Development Advisory Committee Report includes the comments from the typical agencies. There are a series of advisory comments that really focus on once the property is in the City. There are a number of City processes and procedures relating to permitting and licensing that they would have to go through to either use the existing building or if they were thinking of any kind of redevelopment to place a new use there. Tonight, the Planning Commission is charged with looking at what is the appropriate zoning classification for this property that is seeking annexation into the City of Dover. They have made the request for C-4 (Highway Commercial Zone). The Planning Commission will be making a recommendation that will be forwarded to City Council.

Mr. Holt stated that it looks like there is some major stuff that needs to be done with the highway in order to get water and sewer over to this property and that could cost a lot of money. Who is going to bare that expense? Would the City do that or would the new property owner handle that? Responding to Mr. Holt, Mr. Lyon stated that the standard response is that the developer is responsible to bare all costs for new development. They have seen preliminary estimates. This would need to be bored across Route 13 so that they are not opening the road up. Preliminary costs are fairly expensive; between \$85,000 to \$100,000.

Mr. Holt questioned if that cost could come out of the taxes? Responding to Mr. Holt, Mr. Lyon stated that he could not answer that question. It's possible that the City Manager could have a different discussion but the standard procedure is that the developer takes care of the expense.

Ms. Maucher questioned if lack of water and sewer impact the ability of the new owner to develop the property as a commercial entity? Is there an Ordinance or restriction stating that a commercial property must have public utilities? Responding to Ms. Maucher, Mrs. Melson-Williams stated that there is not; however, the current property is on its own individual well and septic system. If those items cannot meet the service needs of how the property will be utilized then they may have to look to the connection to City water and sewer. DNREC controls whether you get permits for a new well or septic system. Typically in situations like that they don't allow upgrades to those current facilities that may be located on the individual property if the opportunity for connection to public water and sewer is available.

Mr. Tolbert stated that since this area is an enclave and it doesn't get any of the City water and sewer, there are other properties in that enclave. If the applicant chose to do that, what impact would it have on the other properties in that enclave? Responding to Mr. Tolbert, Mr. Lyon stated that the estimates provided were strictly for the property in question. It was for the services to go across the road, not for mains to be extended.

Mr. Allen stated that the only thing he needs is water and sewer to his property because he wants to put a hair salon there or something else to build the business up. All of the seven properties in that area are kind of an eyesore to Dover in his eyes. You have a gas station and McKinnley's that is falling apart. He can't speak for Dover but right now it's an eyesore. If you bring water and sewer to that area he is sure the other people will bow to get some water and sewer. Maybe you can make the City look a little better on that side. The other side of Route 13 looks great but his side looks like trash.

Mr. Tolbert asked if Mr. Allen has talked to his neighbors regarding his plan. Responding to Mr. Tolbert, Mr. Allen stated that he sent them all a letter but nobody has responded yet.

Mr. Tolbert further questioned if his neighbors knew that there is going to be a hearing tonight? Responding to Mr. Tolbert, Mr. Allen stated yes they did.

*Mr. Tolbert opened a public hearing.*

**Mr. James McKinney – 52 Smith Street Dover, DE 19901**

Mr. McKinney stated that on behalf of himself and his family which owns the property directly behind and the parcel two lots north that has highway frontage; they have no desire to be annexed into the City of Dover. They have wells that work great and they have their own septic. They don't want to be annexed into the City of Dover. As far as the *Comprehensive Plan* goes, he doesn't know of anyone in DuPont Manor that wants to be annexed either. They annexed Wawa which was adjoining through the old Gulf Station where the Starbucks is located now and then crossed over the State Police Headquarters. The Dover Mall was annexed in years ago. Wilmington University also got annexed in but nothing east of DuPont Manor has been annexed. It's not surrounded; its just north and south of our parcels that have been annexed. As far as Mr. Allen's need for water and sewer for his hair business, he believes there is a tie in just on the other side of Kentwood Drive for the County sewer but he would have to cross a couple of lots in order to get to it which would be a substantial cost also. Speaking on behalf of those adjoining properties, they have no desire to be annexed. They feel that this may be a foothold into basically forcing their annexation and they don't want that.

Mr. Tolbert questioned if he was just speaking for himself or for all of the neighbors? Responding to Mr. Tolbert, Mr. McKinney stated that he can speak for all of the McKinney neighbors.

Mr. McKinney stated that he does believe with Mr. Allen's need for the water and septic, the fact that no one around really wants to be included would be reason for DNREC to approve a large system for his hair business.

Mr. Tolbert stated that he is not clear about Mr. McKinney's reason for not wanting to be part of the City of Dover. Responding to Mr. Tolbert, Mr. McKinney stated that it's because of increased taxes. It's all financial. As far as even trash service, which is an expense that you must incur, they pretty much take care of that.

*Mr. Tolbert closed the public hearing.*

Mr. Holt stated that the present owners there that have their present wells and so forth, would they not be able to use them if they were annexed into the City? Would they all be forced to tie into the City water and sewer? Responding to Mr. Holt, Mr. Lyon stated that as Mrs. Melson-Williams stated earlier, the reason that DNREC would make anyone connect to public sewer and water is if your well or septic tank fails and you are within 200 feet of a water main or sewer main to your property. The specific issue before us tonight would only be for services to this property. There would not be a main added that these people would be in proximity too.

Mr. Holt questioned if they could still continue with the use of their well and so forth? Responding to Mr. Holt, Mr. Lyon stated yes.

Dr. Jones stated that given the fact that you already have a well, we just heard that DNREC may not recognize the current well if it's not large enough or it fails. She thinks that the applicant mentioned that he wanted to open a salon and you just need water and sewer. How does the applicant view what has been said about the uncertainty maybe of the current water and sewer? Responding to Dr. Jones, Mr. Allen stated that he has owned the place for about five years. He wants to open it up because he has been sitting on this property for five years. He figured that somebody might want to get water and sewer in that area but if they don't want it what can he say to that. He thinks that it's necessary in the area because you can't really develop land if you don't have water and sewer in Dover. You can sit on a piece of property for six or seven years and not do anything to it if you are in the County. In the City of Dover, you have to clean it up. You have to make a business out of it; you can't just sit on it. Right now, he has been sitting on this property and the County hasn't said a word to him about anything that he did.

Dr. Jones stated that the point in question is, assuming that the property is annexed, are you ready to move forward to provide the necessary utilities to the property? Responding to Dr. Jones, Mr. Allen stated yes.

Mr. Roach questioned if there was any validity behind the concerns of the gentleman in regards to the fact that his annexation could possibly affect the surrounding properties? He is trying to clarify that if he (the applicant) does get annexed in because the other properties in close proximity, would there be any issue in regards to them keeping their current sewers and wells? Responding to Mr. Roach, Mrs. Melson-Williams stated that annexation into the City of Dover is by property owner request. The City does not have provisions currently where the City could go after a person specifically and force them to annex into the City limits. Typically, property owner request means that they want to be annexed into the City of Dover. This application tonight is about one property. Yes, if it is annexed into the City of Dover then the boundary of the City of Dover does become closer to a number of properties more so than it was before. It may actually

make some (properties) easier to annex because they could then be contiguous where currently they may not be at all. The key thing is that it is a property owner request that starts the annexation process.

Mr. Lyon stated that just as a point of reference, the Kent County sanitary sewer is available in this development and Tidewater has a CPCN, which are territorial rights in this area. He can't speak to the exact location of where those mains are but that would come up. Hypothetically if your well fails, DNREC is going to look to see if there is any sort of main there. It may be Tidewater or it may be Kent County sewer but it would not be the City of Dover so they would not mandate any annexation at this point in time.

Ms. Maucher questioned if this property was in the Tidewater CPCN area? Responding to Ms. Maucher, Mr. Lyon stated no, the CPCN is to the east. He meant to say it was located behind this location.

Ms. Maucher questioned if it was in any CPCN area? Responding to Ms. Maucher, Mr. Lyon stated it is located in the City of Dover's area.

Ms. Maucher stated that services by Tidewater may not be an option then unless the City relinquished. Responding to Ms. Maucher, Mr. Lyon stated that the property can request a CPCN change. If Mr. Allen wants to go down that road to see if he can connect into Tidewater which would be an expense as well, that is possible.

Mr. Holt stated that the fact that some of the other property owners aren't here tonight shows that the evidently have no interest in coming into the City. Responding to Mr. Holt, Mrs. Melson-Williams stated that the notification is in regards to property owners within 200 feet; they are given notice of the application being filed. That notice was given, there is also the legal ad in the newspaper and the bright yellow sign that notes the hearings both before the Planning Commission and City Council. This is an application request for one parcel of land; the property at 3074 North DuPont Highway and that property only.

Mr. Tolbert stated that if the application was approved, the applicant is not obligated to tie into the City water and sewer system. Responding to Mr. Tolbert, Mrs. Melson-Williams stated yes, the sheer action of annexing the property does not automatically trigger a requirement for connection to City water and sewer. It makes that an option.

Ms. Maucher questioned if it obligates the City to extend services? Responding to Ms. Maucher, Mrs. Melson-Williams stated that it does not.

*Ms. Maucher moved to recommend approval to City Council for AX-18-01 Lands of Jesse L. Allen at 3074 North DuPont Highway, to include the zoning classification change from BG (General Business District) to C-4 (Highway Commercial Zone), seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote with Mr. Holden and Ms. Edwards absent. Mr. Roach voting yes. Mr. Holt voting yes; he thinks it's a good move for the City and he thinks that in the long run everyone will be happy. Mr. Baldwin voting yes. Dr. Jones voting yes; based upon Staff's recommendation and review from the DAC. Mrs. Welsh voting yes; based on Staff's*



*recommendation. Ms. Maucher voting yes; it's in a High Priority Annexation Area and she concurs with the owner's concerns about that side of the highway. It will be nice to see some development going. Mr. Tolbert voting yes; we have an enclave in this area which is something of an anomaly in the City of Dover. The City is completely all around this place and he hopes that it encourages all of the people in that area to come to the conclusion that they would be willing to annex into the City of Dover. It would make it easier for everybody.*

- 2) C-18-03 Kidz Business Day Care Center at 65 North DuPont Highway – Public Hearing and Review of Application for Conditional Use to permit conversion of an existing 5,148 SF one-story building into a Child Day Care Center to serve 125 children. The application involves two separate properties. The property containing the building consists of 0.53 +/- acres and is zoned C-4 (Highway Commercial Zone). There is a second property of 0.37 acres zoned RG-2 (General Residence Zone) that contains an associated parking lot. The building is located on the east side of North DuPont Highway immediately south of Maple Parkway. To the east is the parking lot property located at the intersection of Maple Parkway and Edgemont Avenue. The owner of record is The Perry Group, Inc. and the applicant (lessee) is Donneisha Alston. Property Address: 65 North DuPont Highway. Tax Parcels: ED-05-068.18-05-01.00-000 and ED-05-068.18-05-12.00-000. Council District 2.

**Representatives:** Ms. Donneisha Alston, Lessee

Mr. Swierczek stated that this application is for a Conditional Use review to permit conversion of an existing 5,148 SF one story building into a Child Day Care Center to service 125 children with a planned 18 staff. The application involves two separate parcels. The parcel containing the building consists of just over 0.5 acres and is zoned C-4 (Highway Commercial Zone). There is a second parcel of 0.37 acres zoned RG-2 (General Residence Zone) set further back from North DuPont Highway to the east. The existing building there has been utilized for a number of uses. These two parcels were most recently the offices of Dover Dental which was subject of a Site Plan application in 2001. These Site Plans from 2001 are the ones that the applicant has utilized and marked up for their submission to the Planning Commission for review. The building has sat vacant since 2015. The plan does not indicate a location of an outdoor play area but the applicant has stated that it will be located at the rear or eastern side of the parcel with frontage on North DuPont Highway. She has further stated that the play area will have direct access to the building and will be fenced off.

Parking for a child day care is based on the number of children and adult attendants. Based on this calculation, thirty-one parking spaces would be needed. The main parcel has nineteen regular and two handicapped spaces. Plans submitted by the applicant seemed to indicate fifty-four parking spaces on the eastern parcel; however, the exact layout is unknown as no plan of the parcel has been provided. Planning Staff does recommend that the applicant restripe all parking areas and ensure traffic circulation and signage are in place. The bicycle parking calculation is one for every twenty parking spaces. Based on this number, the required bicycle parking would be four and the location of the bike rack would need to be identified on the Site Plan as well. Dumpsters for the trash and recycling collection are required for this property. The plan which dates back to 2001 indicated a site for a future dumpster pad location; however, in visiting the site he concluded that there was no dumpster pad constructed. That will need to be identified on

the plans as well. The parcel with North DuPont Highway frontage meets the landscaping and tree requirement; however, no description or plan was provided of the parking lot parcel to the east. Based on its size, there would be four trees required on that parcel. For sidewalks, there is a paved area between the travel lanes and onsite curbing along the property street frontage of North DuPont Highway though they do not appear to meet ADA requirements. There is no sidewalk along the North DuPont Highway frontages of the adjacent properties to the south or north nor is there any pedestrian crossing facilities. There is currently no sidewalk along the Maple Parkway or Edgemont Avenue frontages either. There is no specific pedestrian access to the main building property and Staff would also recommend that sidewalks be added along the Maple Parkway frontage of the property and along Edgemont Avenue at least to a point of access to sidewalks that will lead to the entrance of the building. Planning Staff would like to recommend that if the Planning Commission members would like to approve the application with the conditions suggested by the Planning Office that the members of the Commission should specifically state the conditions in their motion. These items which are found on Page 6 of the DAC Report and were to provide sidewalks along Maple Parkway and Edgemont Avenue and to restripe the parking areas including traffic circulation and signage.

Ms. Maucher questioned if there was sidewalk along Edgemont Avenue? Responding to Ms. Maucher, Mr. Swierczek stated that there is not.

Ms. Alston stated that she currently doesn't have any concerns. She is very aware of all of those things that she needs to improve and she is working with her architect now to design the areas for the dumpster pad and the bike rack. She is also trying to figure out the sidewalk responsibilities that she has as well.

Mr. Tolbert questioned if Ms. Alston would have no problem working cooperatively with Planning Staff. Responding to Mr. Tolbert, Ms. Alston stated she would have no problem at all.

*Mr. Tolbert opened a public hearing and after seeing no one wishing to speak, closed the public hearing.*

Ms. Maucher questioned if the main access was off of Maple Parkway or Edgemont Avenue? Responding to Ms. Maucher, Ms. Alston stated that it was off of North DuPont Highway. It's like a horseshoe. They would turn off of the main highway, make that right onto ~~Edgemont Avenue~~ (Maple Parkway) and then when they turn right onto ~~Maple Parkway~~ (Edgemont Avenue) there is one entrance in and then they will go around to the exit back out to ~~Maple Parkway~~ (Edgemont Avenue). (Note: Staff corrections identify the proper road names for area.) It's clearly defined and it's just one way traffic around the entire building. So you would not enter from North DuPont Highway.

Ms. Maucher stated then you would not be turning off North DuPont Highway into the property. Responding to Ms. Maucher, Ms. Alston stated no you would not.

Ms. Maucher questioned if there was a deceleration lane? Responding to Ms. Maucher, Ms. Alston stated that she doesn't believe so but there is a clear distinction as to where it is appropriate to turn because there is a neighborhood in that direction as well.

Mr. Tolbert stated that there was a lot of emphasis on the facility being for low income children. Is the emphasis being placed on the low income children for the facility or can any kids come? Responding to Mr. Tolbert, Ms. Alston stated that she would like to serve all children she just wants low income to feel comfortable. She likes to provide high quality care for low income families and every family that is interested in care.

Mr. Tolbert questioned if the price would be the same for everybody? Responding to Mr. Tolbert, Ms. Alston stated yes.

Mr. Roach questioned purchase of care? Responding to Mr. Roach, Ms. Alston stated that purchase of care will be available to the families that are in need of that program.

*Mrs. Welsh moved to approve C-18-03 Kidz Business Day Care Center at 65 North DuPont Highway inclusive of the recommendations suggested as conditions by the DAC Staff dealing with the sidewalks and to restripe the parking areas, seconded by Mr. Holt and the motion was carried 7-0 by roll call vote with Mr. Holden and Ms. Edwards absent. Mr. Roach voting yes; he looks forward to seeing the finished product. Mr. Holt voting yes; according to the DAC comments and all of the recommendations. Mr. Baldwin voting yes; day cares are certainly needed in that area. Dr. Jones voting yes; child care is certainly sorely needed for all children and she votes yes in view of the conditions of approval. Mrs. Welsh voting yes; for all of the reasons previously stated. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; quality day care centers are always in need.*

## **NEW BUSINESS**

- 1) MI-18-10 Eden Hill Farm TND Residential District: Architecture Concept – Request for Consideration by Planning Commission of an Architecture Concept for townhouse units and an Architecture Concept for single family detached dwellings (in a 55+ community format) with a request for removal of alleys within the Eden Hill Farm TND: Residential District. The property is zoned TND (Traditional Neighborhood Design Zone). The owner of record Eden Hill Residential, LLC. Property Address: area southeast of intersection Wemyss Road and POW-MIA Parkway. Tax Parcels: areas on map ED-05-076.04. Council District 2.

**Representatives:** Mr. Leonard Iacono, Equitable Owner; Mr. William Russell, Wye Realty Advisors; Ms. Katie Burke, NVR/Ryan Homes

Mrs. Melson-Williams stated that this is sort of an application. It does not have a public hearing associated with it; it's actually kind of a conversation with the potential purchasers and developers of the property. It was a request for consideration by the Planning Commission. There are two main architectural concepts. First, for the townhouse units and then architecture concepts for single family detached dwellings in a 55 and over community format that includes a request for the removal of alleys. This did not go through the DAC process at this point so this is just background for the Planning Commission. They wanted the opportunity to converse with the Planning Commission. Eden Hill is a Traditional Neighborhood Design project; it is the only one in the City. This request focuses specifically in the Residential District. The TND process in the

City is a very unique and is specified in the *Zoning Ordinance*. It actually begins with a rezoning process and then it involves what is called an Implementation Plan that consists of what you normally see as the various Site Plan type documents and Record Plans that establishes the lots. But then it also includes the Comprehensive Development Standards Manual which is also known as the Pattern Book. In the commentary, it shows a chart of activity in Residential District of Eden Hill. The rezoning of the property took place back in 2005. There was an Implementation Plan which really laid out how they were anticipating developing the Residential District. That came before the Planning Commission as a full application in the summer of 2006. Over time there have been a number of slight changes to both the plan related to the layout of lots and some revisions to refinement of different aspects of the Pattern Book. The most recent thing that the Commission actually saw with the Residential District was a Revised Implementation Plan back in May 2015 which really focused on changing the concept for the type of residential development for the project. It was focused on changing significant areas to what would be multi-family housing in the form of apartments. It included making a very large open space area to serve as the active recreation. That Revised Implementation Plan started through the Check Print Review process which is the process that ultimately leads to a Final Plan approval; however, it does not have Final Plan approval. They are not sure that the applicant at that time would be seeking to continue to move forward.

What exists is shown on the screen. The plan originally was slated for 665 dwelling units in a variety of housing types: singles, duplexes, and a multi-family component that originally was considered a condo type building scenario. There is a very specific Pattern Book that was initially proposed and the Pattern Book is the set of standards and guidelines for construction in the TND. It basically acts as the Code requirements for the development setting forth material selection, approaches to setbacks and layouts of lots, landscaping, how the circulation happens and a little bit of everything. That brings us to Phase I that has been built and that consists of 83 building units. They are predominantly townhouse units. There are several duplexes that are in place as well. The access is currently from POW-MIA Parkway, also known as the West Dover Connector to most by accessing through Wemyss Road which then leads you into the residential area.

Tonight, they are looking at the applicant's request for consideration of architecture concepts. Over the past year, the potential owner and housing unit developer have met with Staff to discuss the continued build out of the Eden Hill Residential District. Their proposal basically focuses on a concept for townhouse units and a concept for single family detached dwellings in what would be a 55+ community. Staff identified in looking at the submissions that they made to us in discussions at the meeting that there were significant compliance issues in these concepts that they were proposing when you look at the concepts versus the Implementation Plan that is in place and the Pattern Book that is currently approved for the TND. Staff shared that finding with the applicants and they wished to continue the discussion with the Planning Commission which brings us here this evening. Included in the packet was their letter of presentation of the concept and a series of images for both the townhouse units and the single-family concept. This is meant to be a discussion and to provide guidance to them on these concepts. If they chose to move forward, this is basically a preliminary step. They would actually have to present a formal application for a Revised Implementation Plan and Revised Pattern Book document. That would go through the very specific detailed review with the Development Advisory Committee and the

public hearing process before this body. The commentary report that was provided to the Commission notes the general issues of the conflicts that Planning Staff was seeing with the concepts that they were presenting; that is found on Page 6 of 6 of the Report. Some of the conflicts that Staff was very concerned about is do the concepts coincide with the purpose and intent statements of the Traditional Neighborhood Design overall which focuses on a variety of housing, walkability, and the circulation as well as things related to materials, garage placement and the like. They have concerns about corner units and avoiding the blank wall appearance that seems to be present in the concepts that they have. There are concerns about the shutters. The Pattern Book actually describes that shutters should either function as operable or give the appearance of thereof. What has been built out there today includes these shutter brackets that make it look like they could be operable where they are not; this is in compliance with the Pattern Book. There was some concern of Staff about the lack of variation and the general appearance of housing units; that is a range from anything related to style and design, repetition of color and detailing. There are a number of things that go into avoiding that uniformity of design look. Other key components of concern by Staff were the placement of garages. The Pattern Book very clearly emphasizes the alley concept as the service and access point and that if in fact a garage is front-loaded that it is kind of a secondary feature and not the prominent element closest to the street. Their concept for the 55+ does suggest an inclination to eliminate alleys in portions of the project site. The alleys are a key concept of the TND meant to take care of the service type areas of the trash collection, your access to the property so it then frees up the streetscape as much more walkable friendly and more neighborhood feeling and not broken up by driveways every fifty feet. Their concept also makes a point about that it is also reducing density. One of the things that the Planning Office does promote is that development and density is encouraged where there is infrastructure and services available; and this is certainly in the core of the City where those elements exist. With that, this is meant to be a discussion so that the applicant can present information to the Commission and hear general feedback. Depending on the route of the conversation, they may ultimately make some type of formal application to this body.

Mr. Iacono stated that he has been before the Planning Commission many times. He has done many projects in Dover as well as owns many properties. He has worked with the Staff for many years and he has been a developer for about forty years. He thinks he knows this project better than anyone frankly because he was the one involved since inception. Back in 2005, he worked with the City and the State to put together the tri-party agreement, they put together the TND which is the zoning specific for this project and they envisioned what they thought at the time would work. They visited other communities throughout the Country to see what they thought would work for the City of Dover. He did a collaborative effort with Ryan Homes to put the initial design that you saw previously on the screen and that was the product that we call Eden Hill that was approved for 665 units. However, they were smart enough to realize that what may have worked in 2005 may not work moving forward. This is a large project especially for Dover's standards. Even though he respectfully disagrees with some of the comments made today, there are certain provisions in this TND as well as the Pattern Book that specifically state that changes will be anticipated; nothing is etched in stone. The project calls for mixed use. It states that you can mix the unit type as long as you don't exceed the 665 units. It also says in the dialogue of the Pattern Book that changes can be anticipated; and therefore, we put that provision in there because for a project of this size they didn't know if it would work or would not work.

They got it approved; they started the project and the project failed. Ryan Homes was involved in building the 83 units that are there now to the architectural styles that you saw. For a period of 4-5 years they sold 83 homes and that drove the project into bankruptcy because it couldn't carry economics, it couldn't carry the debt and it could carry the expense of a project this size. This project has been around for about 12 years. He does not own it now; he represents the equitable owner. To him, the reason why he is here and the reason why he is suggesting these changes is because they want to do something that they feel will work. Ryan Homes are the only ones willing to step up to the plate to develop this project. Ryan Homes has restrictions on what they feel they can do economically here and what they feel the demographics will support and fundamentally if Ryan Homes cannot do what they want to do then the project, in his eyes, won't proceed. They tried working with Staff to present their reasons of why they want to make these changes. As he said earlier, even though he sympathizes with their concerns, the facts are either the project is going to be successful or it's not. They can't go forward with a project that is going to fail before it gets off the ground. The proof is out there for everyone to see. It's been sitting vacant for quite some time and it will remain vacant unless someone else steps in if he walks away. He doesn't feel that they have to go through the entire process either because he is allowed, in his opinion, with substituting units counts and unit types. He doesn't feel that he has to make an application to go back to square one. He is not interested in spending years to go through this process again. As far as the Pattern Book, even though he feels they can make changes to that, he does agree that if this project is approved that they will revise the Pattern Book to show those changes. What they want to do is simply take this project and split it in half. The northern half would remain as townhomes and the southern portion of the property would be changed over to a 55+ community. In the 55+ community, the alleys are not feasible based on the design and concepts that he has from Ryan Homes. He can't speak to the economics, but he has Mr. Russell and Ms. Burke from Ryan Homes that can speak to those points. As he said before, what he is trying to do is resurrect a project that is otherwise vacant. To try to build something that won't work doesn't serve Dover, and it certainly doesn't serve him because he is not interested in getting involved in a project and it failing. He was not the owner when it failed but he was the owner when he put the TND together and worked with the City and State to come up with this concept.

Mr. Holt questioned if this project went through any type of real estate company that was involved mainly with the sale of the units? Responding to Mr. Holt, Mr. Iacono stated no; Ryan Homes markets their own product.

Mr. Holt further questioned if trash collection would be through the City of Dover and if so would the trash cans would have to be out in front of the units? Responding to Mr. Holt, Mr. Iacono stated yes; it is City collection. The alleys would remain in the townhouse section, but they are not proposed in the 55+ community.

Mr. Tolbert stated that he is not understanding what the concern is with eliminating the alleys. Responding to Mr. Tolbert, Mr. Iacono stated that it doesn't layout according to Ryan Homes and they can speak to more detail to that. The configuration doesn't layout the way the houses themselves are configured.

Mr. Tolbert stated that Ryan Homes was the only contractor willing to do something with this property. Responding to Mr. Tolbert, Mr. Iacono stated the only builder. There are many small type builders that would have an interest, but he won't live long enough to see this project built out because their pace is so slow and the economics won't work. He needs velocity in order for this project to meet the requirements of the banking and financing. They need to sell a certain number of units per quarter, otherwise the project won't work. For him to go out to a small builder that is only going to build maybe a dozen units per year wouldn't work. You need to have someone in there that has the ability to perform. In his proposed contract language with Ryan Homes, they have to take down a certain amount of units every quarter on both the townhouse product as well as the 55+ in order to achieve a reasonable built out of approximately 6 years.

Mr. Tolbert stated that he understands what Mr. Iacono is saying but he was just wondering if Ryan Homes was the only builder. Responding to Mr. Tolbert, Mr. Iacono stated yes, the only potential builder of their magnitude.

Ms. Maucher asked for more information on how the project failed. Responding to Ms. Maucher, Mr. Iacono stated that when the project was first designed back in 2005, they called for 24-foot-wide townhomes. By the time they got the project approved, the 24-foot-wide townhomes were not marketable, so they came to the Planning Commission and got the first section changed to 20-foot-wide. Ryan Homes anticipated building 24-foot-wide townhomes but that didn't work so they went to 20-foot-wide. Once again, in the Pattern Book and in the drawings, they feel that changes like this can be requested without going through the entire process. However, even though they changed it from a 24-foot-wide to a 20-foot-wide townhome, they lowered the price range but still over a period of 4-5 years only sold 83 townhomes. 83 townhomes over a period of 5 years doesn't make the matrix; it doesn't work. The interest carry alone on the project wind up throwing this project into bankruptcy. The bank foreclosed on it, they went to Sherriff sale, it was purchased and here we are today.

Ms. Maucher questioned if the 83 townhomes were occupied today? Responding to Ms. Maucher, Mr. Iacono stated yes, there are people living there currently. The rest of the property is vacant.

Ms. Maucher further questioned what the median price range for homes are? Responding to Ms. Maucher, Mr. Russell stated that he is from WYE Realty Advisors. They are a regional brokerage and advisory firm with a specialty in residential bulk lot sales operating in Delaware, Maryland and Pennsylvania. Ryan Homes was the original builder and they built 83 homes over a 5-year period. That is about 4.15 homes per quarter. Just to put that in perspective, there are 650+ lots in the community of which 83 units have been sold. If you do the math it would take 34 years at that pace to build out the rest of the community. That is not a sustainable business plan for any homebuilder or developer and while it was a difficult time frame for home sales, that presents strong evidence that the product wasn't appropriately priced for the marketplace. It needs to be finetuned to the target market which is Dover. They believe a well-designed affordable home product tailored to the market will sell much better. In its current dormant state, the Eden Hill community lacks critical mass and it really doesn't benefit the City in that state. If we can get changes which would enable us to bring a marketable home product to the market

place it would provide a diverse housing source serving multiple segments of the market and its residents. It will create an economically viable addition to the Dover tax base and it would stimulate homeownership and reinvestment back in homes and in the community. Rejuvenating the community and repositioning the housing product will enable a successful sales campaign to monetize vacant lots and translate them into residences occupied by homeowners. As Mr. Iacono said, that involves two things; Tailoring the townhome product to the market demographics and to price points that will escalator the pace of sales and then introducing a significant 55+ housing component to the market.

*Mr. Russell passed out a Site Plan that graphically shows how the community would be developed.*

Mr. Russell stated that they think that introducing the 55 and older community has real benefits to the community in terms of regenerating the project. Also in doing so, it will place less demands on the Capitol School District. It will reduce the impact of traffic during peak commuter hours and it will add a 55+ component which has a high propensity to spend on entertainment, dining and health care. Under the proposed redevelopment plan, you will see that in the northern section above the yellow line they would continue to build townhomes and some duplexes which is consistent with what's being built there now with different architectural features. To the south, you would have a new separate community. It would have the same street layout but it would include elimination of the alleys and a separate access to the POW/MIA Parkway. He will have Ms. Burke from Ryan Homes talk about the elimination of the alleys but he knows that it relates to security and services and that the buyer wants a backyard and deck overlooking an area that they own and control. Notably, the proposed density under this plan is about 550 units. It's about a 15% reduction in what's currently approved. In addition to that, the most recent plan that was circulated by the perspective developer that was going to add multi-family rentals to the project increased its size to 740 units which is a 15% increase. He believes density in areas that are designed to serve it is a good thing but the current density is 83 units. Until we can target the product to the market to something that can be sold or leased, it's going to stay stagnant. It seems like 550 well designed and well-priced homes stimulating homeownership and reinvestment in the community would be a good end result.

*Mr. Russell passed out a table of statistics from the Federal Reserve Bank of Saint Louis.*

Mr. Russell stated that basically what he has done is laid out certain economic statistics which are relevant to home building construction and homeownership for all three counties in the State of Delaware spanning the period of 2008-2018. From that he has developed trends as to how each of those statistics has progressed. It shows how Kent County has performed relative to New Castle County and Sussex County. While it may not specifically generate or affect the Commission's decision making, it will give them a sense of why they think it's imperative to appropriately price the housing product to be developed in Eden Hill to make it a marketable community and get it off of the ground.

Mr. Russell stated that the median household income for the State of Delaware has increased over that ten-year period by about 14.5%. The statistics suggest that Kent County's has decreased by 2.1%. The home price index, notwithstanding, they couldn't make the project work



in 2008 when the home prices were higher. You will see that the home prices suggest that there was a big dip between 2008 and 2017 but they haven't fully recovered in any market in the State. Kent County's recovery has been lesser than that of the other two counties of the State. Homeownership has declined in all three counties but it has declined at a greater extent in Kent County than it has in the other two counties. Building Permits have increased across the State over that period, although Kent County lags in that area. In terms of credit quality which affects the ability of people to borrow to get mortgages to buy homes, you can see that the subprime credit percentage has decreased across all three counties but Kent County's rate of decrease is lesser than that of the other counties.

Ms. Burke stated that she is a general manager for Ryan Homes in the North Division and she was involved with Eden Hill years ago when they were first selling the community. They are excited about the opportunity to get back into Eden Hill both for the ability to provide affordable homes for the City of Dover and also to help complete the community as Mr. Iacono mentioned. Their parent company is NVR and they are headquartered in Reston, Virginia. They are one of the largest home builders in United States. They operate in fourteen States and they sell under a few different names. Ryan Homes is probably the most popular name that you would be familiar with but also Envy Homes as well as Heartland Homes. In 2017, they settled about 16,000 homes company-wide. In Delaware, they operate in all three counties primarily under the Ryan Homes brand but they do have Envy Homes that they sell at the beach in Sussex County. In the Delaware market itself, they settled over 1,100 units in 2017. By volume, they are the largest builder in the State. With their size and ability to be able to differentiate using different brands they are able to target homebuilding products to specific markets and really segment based on the geography and demographics of the homebuyers. They are reminded often that they don't create the market; they simply serve it. About 15 months ago they had some members of their team who met with some representatives from the Planning and Inspections Department for the City of Dover. They included representatives from their operations team, their sales team and their land team to discuss Eden Hill. They appreciate good design as well and they recognize that offering floor plans that are both affective with attractive architectural features and affordable homes is what's really going to help them sell. In each community, they carefully assess their market and they are tailoring their products to be able to meet the needs and also most importantly the affordability of their potential homebuyers. At Eden Hill, they think that this is going to have a couple of different components. One is going to be the townhome product and a component of a 55+ or active adult buyer product as well. The townhomes are nicely tailored to fit with the TND concept that was originally created for Eden Hill. This particular product is really all about simplicity. It's really to be efficient and to be affordable. Simply Ryan is the brand and if you are familiar with Clearview Meadows which is in Dover, this is a product that they are building currently with a tract record of success. In Clearview Meadow, they have sold about 50 townhomes in 2017. To speak to the product, they do not have products that alley load with their townhomes but they are planning to make some changes so that they can accommodate the alleys that exist in Eden Hill and then also agree to make some modest architectural changes based on some feedback that they received to help better align with the Pattern Book. The other product that they have is the Lifestyle product. This is their 55+ product and they have four different floor plans and two different elevations.

Mr. Roach questioned if the ones without the garage are more like the ones in Cannon Mills? Responding to Mr. Roach, Ms. Burke stated yes.

Mr. Roach further questioned if the one with the garage are more like the Silver Lake townhomes? Responding to Mr. Roach, Ms. Burke stated that she was not familiar with Silver Lake townhomes.

Mr. Iacono stated that they developed the Silver Lake townhomes and yes, the homes with the garage are similar to the Silver Lake townhomes.

Ms. Burke stated that the Lifestyle product that they offer is for a 55+ section of the community. They talked earlier about alleys; and from their perspective and feedback that they have received from buyers is that the alleys are just not favorable. There are a couple of reasons for that but the primary reason is safety and security. Having the garage at the back of the home and then their driveway that feeds out into the alley which allows people to drive behind their home does not lend itself for their active adult buyers to be very comfortable with that. The other piece is the loss of the yard; not having as much of a backyard space, being about to utilize that space and have more of a privacy feel with the backyard compared to having your driveway and then backing into an alley. The Lifestyle plans are single level ranch homes. They are low maintenance and they do have front entry garages which she knows has been a point of discussion. They also offer open floor plans, easy up keep, modern features and their offerings of these homes are limited to having the garages that feed onto the street. They don't have any plans that would allow the garage to be in the back of the home to have the design that would work for an alley. That is a big reason of why they are asking to have the alleyways eliminated so that they are able to make this product work for their active adult residents.

Ms. Maucher questioned with the elimination of the alleys, wouldn't they be able to increase the density rather than decreasing it? Responding to Ms. Maucher, Mr. Russell stated that the primary reason they density is reduced is because of the elimination of the multi-family units from the most recently approved plan. You eliminate those boxes of vertically constructed product and everything goes horizontal single story or the townhomes with are multi-story.

Mr. Tolbert stated in the Bahama elevation, it looks small. How many bedrooms are in that unit? Responding to Mr. Tolbert, Ms. Burke stated that they have four different plans and they range in terms of size and bedrooms but 2 to 3 bedrooms is the average size of the homes.

Mr. Holt stated that they seem to be doing fairly well in Clearview Meadows but it looks like you are competing against yourself as opposed to trying to get more development at Eden Hill. You are selling your homes in Clearview Meadows but shouldn't you be trying to push more into the Eden Hill area? Responding to Mr. Holt, Ms. Burke stated that they would love to be able to sell into Eden Hill. In Clearview Meadow, they have been selling that project for a couple of years and their townhomes are now completely sold out. They received really great feedback from the market and they were able to sell through that community. The majority of the sales were last year but they finished up and they are completely sold out of townhomes. They are completing the single-family section currently.

Mrs. Welsh stated that she would have liked to have seen a color rendition of the two-toned siding on the townhouses the way that you have done these color renditions so that she has a clearer idea of what they are planning there. Responding to Mrs. Welsh, Ms. Burke stated that they do have a color rendition. If you can see on the end units, the color differentiation on the front of the end units would carry over along the side to give some architectural interest on the corner units.

Dr. Jones questioned what would be the approximate square footage for the 55+ homes? Responding to Dr. Jones, Ms. Burke stated that they start somewhere in the 1,300 to 1,400 square foot range and go up to about 2,000 square feet.

Dr. Jones further questioned what has been considered as a general price range from the 1,300 to 2,000 square feet? Responding to Dr. Jones, Ms. Burke stated that it is not set in stone at this point but she would say low \$200,000 up to a mid \$200,000 range for an average single family home.

Mr. Roach stated that in regards to the removal of the alleyway that is not including with the two and three story section with the townhomes, it's just strictly with the 55+ community where you are asking to have the alleys removed. Responding to Mr. Roach, Ms. Burke stated yes; the removal of the alleys is for the single family homes in the 55+ community.

Mr. Roach questioned the amount of space and rooms in the three story townhome versus the two story townhome? Responding to Mr. Roach, Mr. Burke stated that the townhomes are approximately 1,200 square feet. The Plan 1220 actually indicates the square footage of the home. With either plan they have three bedrooms and then they also have two full bathrooms. There is an optional powder room as well. There is a great room area and a kitchen with that plan that is on the main level. With the three story product, there is the garage and then behind that would be some unfinished storage space as well.

Mr. Roach further questioned if Ryan Homes was the company who built the ones that are existing? Responding to Mr. Roach, Ms. Burke stated yes, they built the previous homes in Eden Hill.

Mr. Iacono stated that they are not the entity that what bankrupt. They remained a financially viable company throughout the period that has been discussed.

Ms. Maucher questioned if that in their market research, condominiums are not high on the list of interest of buyers, especially for 55+. Responding to Ms. Maucher, Mr. Russell stated that condominiums have traditionally worked in much higher density higher income areas particularly where there is transit. They work well around the D.C. suburbs and they have worked well in some Baltimore, MD markets. They don't even have a lot of them in Wilmington, DE. They have been developed along the Riverfront close to the Wilmington Train Station. Condominium development in general other than in urban situations has declined significantly since what he will call the decline in 2008. Right now, what's working very well is affordable housing product, attached townhomes for the entry level buyer and then multi-family

rentals. They think that there is strong benefit to homeownership versus rental product in most any community.

Dr. Jones stated that for those of us who live below the canal, we think there are just lots and lots of people who have moved to this area. To what extent does your marketing plan include/consider the influx of New Yorkers, Pennsylvanians and people who are looking for a better way of life in our communities? Responding to Dr. Jones, Ms. Burke stated that she would agree with Dr. Jones. They have many communities that they are currently selling today in Kent County and they do see exactly that. They see people who are coming down from New York and from Pennsylvania who are looking to improve their quality of life and get out of the city in many cases and have a higher affordability of the ability to purchase a home. For many of them in the areas that they are currently living in, that is not an option. That is currently big piece that they see today in their markets. She thinks that Eden Hill would help to continue to offer that opportunity of homeownership at a price that is affordable. That is really the goal here, is to help make it affordable and obtainable for people because in today's world there are very few options that are going to be as affordable as they would be able to offer which really broadens the ability for more people to become homeowners instead of renters.

Mr. Roach questioned if the numbers in this plan were inclusive of the already developed project? He sees 26 duplexes and he didn't see anything in the new plan. Were those the homes that were already built? Responding to Mr. Roach, Mr. Russell stated that the original 83 homes include 6 duplexes so there are an additional 20 duplexes in the proposed land plan. The plan that was handed to the Commission includes the 83 homes that have been sold. In addition to 6 of those 83 which are duplexes, there would be another 20 proposed duplexes in the Revised Plan.

Ms. Maucher stated that the TND predates her arrival on the Commission. Will it be part of the *Comprehensive Plan* to look at those designs? Does the Planning Staff believe that there is sufficient flexibility built in or is it something that needs to be looked at? Responding to Ms. Maucher, Mrs. Melson-Williams stated that the TND does have flexibility built into the district requirements that the *Zoning Ordinance* sets up. It does have flexibility built into the Pattern Book because there are selected options for materials. It sets forth the requirements for what would be a type of a single family lot versus a townhouse lot given the dimensions. How you arrange those lots is where some of the flexibility is. One of the things with the Eden Hill project is the block sizing that is established which allows for the interchangeability of lots. Where there currently is a single family lot, the width is there that it could be broken into two duplexes. The puzzle pieces can fit together differently so there is certainly flexibility there. Eden Hill is the only one that we have that went through this process and it is somewhat unique. From a *Comprehensive Plan* standpoint, she thinks that they would be looking at more over-arching housing goals and trends City-wide and not focused on a particular area. This from a *Comprehensive Plan* standpoint, has a land use classification of mixed use so it's a mix of residential and with the other districts brings in the institutional, office and commercial aspects to the overall TND. There is flexibility but she is not sure how much the *Comprehensive Plan* would target this differently. There is discussion in the *Comprehensive Plan* specifically about Eden Hill but that plan dates to that early timeframe when Eden Hill was just really getting started from a *Comprehensive Plan* perspective. It recognized Eden Hill as a unique situation, probably not ever to be replicated anywhere else in the City because of the land ownership that

was started and the interaction with the City and the State in what became the land planning for that location.

Mr. Russell stated that he is not too familiar with Sussex County but in New Castle County there are four TND projects that he is aware of. Bayberry is a very successful project that he is aware of in which the first phase was laid out in a TND design with alleyways. The majority of the project in subsequent phases was transitioned to a more traditional layout without alleys driven by economics in competing neighborhood projects which there are multiple homebuilders competing against that project. The first phase was successful; it was built before the crash and the subsequent phases have been successful but they have abandoned the TND model. Darley Green which is the very northern part of Delaware was a TND project. It went through similar foreclosure after a small number of townhomes were built. The developer of that project converted a majority of the project to multi-family rental. The remaining for sale product has been built in a TND design. It does have a transit option; it's near a train station and the TND product has been pretty successful but it has been limited to townhomes. The single family product has been replaced by multi-family rental. Whitehall is a community that is currently being built in New Castle County up near the canal. It is a TND product and it competes directly with multiple projects which aren't TND in format. It hasn't abandoned its TND approach; it's been marginally successful and has been under sales for four years. They really haven't sold many units. It's a challenge to compete because people unfortunately want backyards and they buy the traditional product because it's more affordably priced. It's actually more affordable to build and therefore you can keep the house price where the homebuyer can qualify for a mortgage. There is one other TND project in Odessa called Odessa Commons which has had some very stringent TND requirements and a commercial component. To date, no one has been able to make that project work and that project has been available for sale to developers and/or homebuilders for probably 8 years now; It's not gotten off of the ground.

Mr. Roach stated that in regards to the existing townhouse units, in what proximity would you say the 55+ community would be located in regards to the existing townhomes and to where you plan on building the other ones? Responding to Mr. Roach, Mr. Russell stated that the south portion of the community would become 55+. It would have its own separate entrance from the Parkway. The alleyways would be eliminated and the main roads would be kept. Everything above would be a combination of townhomes and duplexes. He thinks that it is important to note that the community is currently laid out has one common area with the clubhouse and open space. There are multiple open space parks. They would continue to be there but they would now separate amenities. There would be separate clubhouses for each community.

Ms. Maucher questioned how many units for the 55+ community? Responding to Ms. Maucher, Mr. Russell stated 207 units. The active adult is a single family product; it is just age restricted.

Mr. Roach stated that he is 32 years old so could the people who are 55 and up let him know their feedback in regards to how you would feel with an alleyway versus a yard. If it was his grandmother living in the home, he would not want her to have an alleyway.

Mrs. Welsh stated that people in that age range probably prefer a back yard. Right now, there is nothing she likes better than sitting on her back deck. She sees the point there and understands it. People want to have the security aspect with that age range.

Ms. Maucher stated that she has an alleyway behind her home and she likes not having to haul the trash out once a week because it's just always there. She wonders if the City looks at the difference in cost between the alley versus on-street pickup. Responding to Ms. Maucher, Mr. Lyon stated that alleyways present a problem for our trash pickup vehicles for the simple fact that the alleys were originally built very narrow and the trucks have gotten nothing but bigger. They deal a lot with property damage when the trash trucks try to go down alleys and they clip a fence or they go through someone's yard to make the turn. There is an operational impact for alleyways as opposed to street pickup. The street pickup does have other issues of course with people moving stuff back and forth but the operational impact with alleys are taken into account.

Mr. Holt stated that he has an alley and he likes it and he is not worried about security.

Dr. Jones stated that she just recently built a new home and one of the considerations was the perceived security of the home in terms of selecting the lot where the house would be built. She enjoys going out on the deck and would not be really comfortable with an alley. It's perceived security but that's what would be important to her and certainly to her family.

Mr. Roach stated that there are seven things listed as issues in regards to the TND. Obviously from the conversation we know that there is something that was done a long time ago and there is supposed to be flexibility within it. What are some of the things that the Commission can look at as far as original concerns? We spent a lot of time discussing the alleys but is there anything else that may be helpful to talk about? He is not a homebuilder so he doesn't know if whether changing the color just to add more variation or things of that nature would help. Responding to Mr. Roach, Ms. Burke stated that the colors they mentioned earlier but for townhomes she knows that there was a big focus on an end unit when it's in a prominent corner. Their plans typically do not call for the same color variation on the front of the townhomes to carry along and wrap around the side but that was an area for them where they compromised and said that they would certainly be willing to make that change to give some more architecture appeal. Another piece of feedback that they received was regarding the lack of variation with shutter and front door colors. Currently, their specs call for one consistent color which is black for the shutters and the front door. That was an area for them where they could be flexible as well and offer some variations. They certainly have tried when they have the ability to be flexible. They area that makes it difficult of them is adding additional items that have a significant cost like additional windows and other things that would drive up the cost. As they talked about previously, the point of this for them and for their marketing strategy is to really offer affordability and as soon as they start to add additional items then that does increase the cost which goes against what they are trying to do which is offer housing that can be affordable and allow people the option to become homeowners.

Mr. Roach stated that looking at it from the original plan, he can definitely see their concerns going from 651 to 547 as it pertains to density but he also has the mindset that he would rather have some development than not at all especially in the City that he loves when he knows that

we are lacking housing. He knows that you have to give a little to get a little, so he was just wondering how difficult it would be to make some of these things happen.

Mr. Holt questioned if they offer or build in any kind of security in the 55+ homes as part of the package for the homeowner? Responding to Mr. Holt, Ms. Burke stated that in many of their 55+ communities today they have a security system package that is available and it's something that they are able to have constructed when the home is built. They haven't confirmed their plan for the new floor plans that they have just discussed. Whether they would have it built with us or even after the fact, that would certainly be something that would be option and they would be able to recommend a company for them that they would be able to use.

Mr. Holt stated that he thinks that would be a big plus to allow for older homeowners. He is just surprised that this whole thing didn't fly because he remembers when it came before the Planning Commission years ago when they got their first Pattern Book. He thought that it looked great and that it would go like hotcakes. He is surprised that it faltered like it did but maybe we can get it off of the ground with a lot of new ideas. Go to the Modern Maturity Center and do a lot of presentations. Responding to Mr. Holt, Ms. Burke stated that was a great idea. They are in agreement with him; they would like to be able to see this community revived and completed as well.

Mr. Roach questioned if they have done any research in regards to the success rate as it pertains to purchasing in a 55+ community that are that close in proximity to townhomes that aren't a 55+ community and in such close proximity to North Street and the new highway? Some people might be reluctant to purchase a home in that area just because of the fact that it is so close to the other townhomes and the hospital, but he guesses that would be a good reason to be there. Responding to Mr. Roach, Ms. Burke stated that was a marketing strategy that they will use for sure. They have other active communities today where they have multiple products within the community; 55+ with townhomes and having that diversity is something that she thinks is appreciated.

Mr. Tolbert stated that he remembers when the Pattern Book first came before this body for the original development. He was relatively new on the Planning Commission then and he thought it was the most impressive development that he has seen. He was just anticipating that it was going to be developed. He has no idea that we would be at this point in time, still talking about Eden Hill but it just floundered, and he was depressed that it floundered. Will you continue to work with the Planning Staff to deal with the issues in this development? Responding to Mr. Tolbert, Mr. Iacono stated that has always been their motivation is to work with Planning. As he said earlier in his opening remarks, he understands that they are in a precarious position of trying to figure out what the City Planners would like and whatever the case may be. He has been involved from the very beginning; he never thought in a million years that it would flounder as well. As a developer who has been doing this for forty years, you have failures and you have successes, but you don't want to make the same mistake twice. He is not here because he is trying to increase the bottom line. He is here because he is proposing something that he thinks will work. He used the word "think" because if it doesn't then he doesn't know what else he can possibly do. He can tell them that if he doesn't have an able and willing bodied partner, i.e. Ryan Homes that is willing to embrace this project then there is no sense in him even starting it. He

also wants to say that they all work well with the Planning Department and they have done that for years. They know the process and understand the process; however, he just wants to underline that he feels that if this is approved, he feels that this is an administrative process. He does not want to reinvent the wheel. He doesn't want to go through the entire approval process. To him, this is an administration situation where you are going to have some engineering changes, some lot reconfiguration which he thinks in his opinion, is allowable under the TND. He doesn't want to reinvent the wheel; he can't afford to reinvent the wheel. He doesn't want to be dealing with this two years from now. His request is not only to accept the proposed changes to the building designs and the concept plans but also the due process.

Mr. Roach questioned if the Commission needs to vote on anything since this was just a conversation or do we continue to converse about how we feel about it? Responding to Mr. Roach, Mrs. Melson-Williams stated that this has been a conversation; that is what it was intended to do. There are certainly some things that could be dealt with administratively but there are other things that would require a more formal process. Just in looking at the plan that was handed out this evening, in the townhouse area the changing of lots from one unit type to another and creating the townhouse areas where the alleys are remaining intact, that can be handled more through an administrative process because the flexibility is there in both the Pattern Book and related to the Implementation Plan. What you have to have catch up, is kind of the Record Plan that actually shows the lot layout and what impact it may have to construction meaning specific utility infrastructure. Such as going from those areas that were shown to be one big apartment unit building which probably had one service connection to individual lots each with their own service connections; that's some of the engineering work. What she thinks needs certainly a more formal process with application would be the area that is proposed for the 55+ community. When you are talking about eliminating alleys and the whole combination of what they are labeling as a clubhouse open space, that really needs to go through a public hearing process because those are major changes to what would be the Implementation Plan when you start eliminating alleys. The other question would be that there are a number of other park spaces; are they going away or staying the same? When you get into that active recreation component for a 55+ community it is quite different than what was probably planned for active recreation in this southern portion of the site. She sees that as most certainly needing a more formal application process. Some of the other items that were listed as their concerns are elements of the Pattern Book. There is a Pattern Book that exists in multiple pieces, so it is very difficult to review applications. There is the original Pattern Book and then there has been five addendums which means certain words on certain pages have been changed over time but we don't have one final version. With their concepts here, there are certainly some things that are Pattern Book elements that are in black and white in that Pattern Book that they wish to not comply with which is not an option. There is flexibility in the Pattern Book but some of the things that they are listing are a must do in the Pattern Book. The shutters are one of the them. Some of the other things are more subjective in nature as to how do you make that corner unit special. The other things that are somewhat locked-in in the Pattern Book is the garage placement. The garage placement throughout the document is very specific that it is secondary in nature to the front of the building. In their version for the 55+, it is exactly the opposite; the garage is the closest thing to the street. That is a different concept that would have to go through a process before the Planning Commission as to if you are doing front loaded garages and they are going to be the prominent feature on the lot, here is how you do that. Our Pattern Book right now does not give the



guidance about how you do that. The answer for tonight is, I think you have had a conversation and you can certainly do some type of motion to reflect your conversation recognizing that there are certain elements of their concepts that could move forward administratively while other certainly would require a formal review process. As she said, this has not gone to our DAC reviewers.

Mr. Hugg stated that he thinks Mrs. Melson-Williams has summarized what the steps are. It seems to him that there are three and they may be separable to that they can work under each with their own sort of schedule. Clearly, the component that deals with the townhouses could proceed pretty quickly. As Mrs. Melson-Williams stated, is mostly an administrative kind of process. We might want to separate that off and get it moving forward. The second thing is that they need a new Site Plan or Subdivision Plan for the 55+ community that simply shows what is actually going away and what is not going away and what is being changed. We have seen some sketches on that but even the one that was handed out tonight with the large open spaces still has alleys in it. We would need to have the proposal that shows the plan that they are looking at. He thinks we need to narrow down what pieces of the Pattern Book that Staff can't administratively waive that are going to have to get approval from the Planning Commission and say what is being proposed to change so that we have something to bring back to the Planning Commission and actually have them make the formal amendment. He thinks that the dilemma that the Planning Staff is in as a result of the history of all of this, leads him to wonder if this is really a Traditional Neighborhood or really just another neighborhood development of mixed uses. He is not saying that plus or minus he is just saying that the concept of a TND versus what is being built may be a misnomer and he doesn't know if that needs to be addressed or not. Responding to Mr. Hugg, Mr. Iacono stated that in the TND you have to look at the entire body of the property. What you have proposed in this complex is a residential component, a medical facility component and a shopping center component. Eden Hill in itself, the residential portion, does not comprise the TND. When this 200-acre farm was taken into the TND zone back in 2005, the TND encapsulated the entire property. You had the residential section which is what we are speaking about today. You had the shopping center section which is floundering, and you have the medical center which has been a very successful component. That is the tri-party agreement; that constitutes the TND. The original design that the City had for this TND had retail with housing above it. They shot that down from the very beginning and said that did not work. This is not Washington DC; that went out the window. He forgot the name of the firm that the City hired to put that plan together. As he said, he traveled the Country with the City Planners as well as the State to come up with this design. As far as the 55+ community is concerned, it is a name plate. This project always contemplated carriage homes, single family homes, townhouses, condos, etc. He is not changing the format. He does agree that they are eliminating the alleys but conceptually, he is doing what this project allowed him to do at least in his opinion. As far as the Pattern Book is concerned, if we can get the Pattern Book issue resolved, which in his opinion was simply a guide. It was a component derived from a project that we visited in the Carolinas. By the way, their Pattern Book was designed after the TND project. This is only project where the Pattern Book was put together before the TND and that was a mistake. He argued that point, but it fell on deaf ears. They tried to accommodate all of these moving parts. Administratively, in his opinion, simply by taking these carriage homes or these single-family homes and making them a 55+ single-family home should be an administration situation. Yes, it has to be re-engineered but that is your normal approval process of engineering. If he has to go through

Planning and City Council and we are two years from now, they may not be interested. This is not an idle threat; he is just telling them frankly. In order for this project to work, we have to develop both the 55+ community simultaneously with the townhouses. Ryan Homes is not interested in doing half a job. He can't afford from a banking perspective and his absorption rate to develop the townhouse and then develop as a second component, the 55+ community. They have to be done concurrently, otherwise the project doesn't work economically. He is not saying all of these things because he is trying to make demands on Planning Staff. He is just citing the facts and it is up to the Planning Department to determine what they will allow and not allow. As he said earlier, he is the equitable owner so if he doesn't get what he wants because this is what he has to have to make it work, then you will deal with someone else because he can't afford to continue to process. He doesn't mean to be blunt like that but the facts are the facts.

Mrs. Melson-Williams stated that the Planning Commission can certainly react to the discussion. Staff has put on the record what they think the process needs to be under their Code provisions for the process. This would not involve City Council. The review responsibilities for revising an Implementation Plan which would be what would be happening when you are talking about the alley elimination and the clubhouse scenario in the southern portion is a Revised Implementation Plan. The other sections of the TND have certainly done that and that would be kind of Staff's take on what their Code allows them to do administratively and not administratively. She thinks that they can work with lot adjustments in the townhouses but the other is more than just a minor concept change. It's significant enough that it would require the Revised Implementation Plan. The Commission can certainly react to their comments to give them some guidance, but you can't necessarily just approve everything that they have presented in now swoop tonight and have it happen.

Dr. Jones stated that she thinks that there has been beneficial and healthy conversation this evening about this project. It seems that there may be some barriers with the process going forward without a new application of some sort. She would like to see the Planning Staff be very clear with the applicant about where there can be flexibility. She knows that Mrs. Melson-Williams has mentioned several things this evening but one of the things that she just heard is that there is a new name on the 55+ community. Responding to Dr. Jones, Mr. Iacono stated that what he was trying to imply is that they approved Record Plan that sits there today allows for carriage homes, single-family homes and other different types of homes; it's just not called a 55+ community. They could change it to single-family homes and have it a non-55+ community but based on Ryan Homes and Mr. Russell's research, demographics and demands, they felt that the 55+ community is the best fit. To build a community of 500 townhouses or other types of single-family homes that they feel they would not be able to market would not make any sense. He knows a little bit about 55+ communities because he developed The Grande apartment complex. He can tell you that the 55+ is a misnomer; no body in there is 55. The average age is 70+. At the end of the day, he went through a lot of process and sat in this room when the bank foreclosed on the previous developer. They wanted to change it (The Grande) to a market rate apartment and he said it was a mistake. They did it and then he bought it and came back and changed it back to 55+; it's a great project. The Modern Maturity is a great amenity. There are a lot of old people around here. At the end of the day, the demographics show that Kent County has a large population of older people. We feel that we can serve those needs so that is how they came up with the 55+ community.

Dr. Jones stated that it is a marketing strategy. Responding to Dr. Jones, Mr. Iacono stated that they put a separate entrance off of the West Dover Connector which when he bought the Eden Hill property ten years ago, he was promised that it was going to be built ten years ago and it never was. He already paid for new the entrance from Eden Hill onto the West Dover Connector in anticipation of this project.

Mr. Russell stated that if it helps give perspective, with the requested changes to the two product types, the architectural changes to the townhome product and the conversion of the 207 units to 55+, the projected sales pace once roads are in and lots are available, model homes have been built and the amenity packages are available to the new homebuyers, the projected sales pace in each product type is in the 10 units per quarter. That would be 40 per year per product type versus the 83 that were sold over a 5-year period under the prior development plan. Presuming that the objective is to see positive development, ratables and home product targeted to the marketplace, that would seem to be a pretty good end result.

Dr. Jones stated that it sounds like we are at somewhat of an impasse so what are they willing to do based upon this conversation: to comprise or to be flexible to meet the City's requirements? Responding to Dr. Jones, Mr. Iacono stated that a first start would be to see if we can have a meeting of the minds to come to an agreement on the Pattern Book. If we can't get past that hurdle, then there is no sense in him going forward anywhere else. The first step is to see if we can agree to the Pattern Book; that is strictly between Ryan Homes and the City. As a developer, he has no input on this because they are the ones who are building the homes. He is just putting the development in. If we can get past that hurdle, then we can decide moving forward what process they have to go through and how formal they have to be. He is concerned over time and time is money. He is afraid that if there is a market shift yet again, then he might be here again. He is trying to capture the moment and no offense to the City, but he deals with every municipality in Delaware, Pennsylvania and Maryland and things don't move quick in Dover. It takes a lot of time to get through the process and a simple change that you would think take a couple of months takes a year or two. He doesn't have that kind of time. He is not trying to be difficult he is just trying to state the facts as he honestly feels in his heart.

Dr. Jones stated that as a Planning Commissioner she agrees with that.

*Dr. Jones moved that the Planning Staff and others concerned meet with Ryan Homes to have a serious discussion about this Pattern Book and how we go forward. This would be a meeting that would take place at a mutually convenient time in the near future, seconded by Mrs. Welsh.*

Mr. Holt questioned if they should put a date on that? Responding to Mr. Holt, Dr. Jones stated that she thinks that would be left up to the Planning Staff and Ryan Homes.

Mr. Holt questioned if maybe the meeting could happen before the next Planning Commission meeting? Responding to Mr. Holt, Mr. Tolbert stated yes it should happen before the next meeting. Time is of the essence for this project.

Mr. Russell stated that they have had three meetings of that nature and there has been some flexibility with respect to the architectural product and that is what got them here this evening. They are happy to meet with Planning Staff again but they want to use their time efficiently and ours. He is not sure what to recommend in terms of a motion.

Mr. Tolbert stated that we have a motion on the floor and it needs to be disposed of. He is only suggesting that the motion be amended to state a definite time that the discussion should take place between Staff and the applicant.

Ms. Maucher questioned if the motion could be amended to include Staff looking at what could be done to reduce some of the barriers? Responding to Ms. Maucher, Mr. Tolbert stated that the motion has been amended by Mr. Holt to include a definite timeframe and we must dispose of that motion.

Mr. Russell stated that one of the key questions as part of the next step being dialogue, is that they really need guidance on the alleys. The elimination of the alleyways is so key to entirely half of the revised project and he realize that there are some planning procedures that need to happen for that to be approved but it would be nice to have some guidance from the Planning Commissioners as to whether that is okay. Responding to Mr. Russell, Mr. Tolbert stated that would be part of the discussion that Dr. Jones is calling for and that Mr. Holt stated should take place on or before the next meeting.

Mr. Holt stated to make sure the alleyways are in the motion as well.

*Dr. Jones moved that the Planning Staff meet with Ryan Homes prior to the next Planning Commission meeting with consideration on the matter of the alleys, seconded by Mr. Holt and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes; with the comment that through the dialogue between Planning Staff and this project that we figure out the process to be able to move it forward. Whether that be an amendment to the TND, whether it be the applicant filing something with the Planning Staff to be able to rectify the issues in regards to the front-loading garages and alleys so that you can continue to move forward with the project. Mr. Holt voting yes; he thinks that it is long overdue and hopefully they can get things straightened out and get this project moving ahead again. Mr. Baldwin voting yes; for the aforementioned statements. Dr. Jones voting yes; she thinks this project is worthy of further discussion and resolution where ever possible. Mrs. Welsh voting yes; she concurs with Dr. Jones. Ms. Maucher voting yes; she thinks this project is important to the City and we need to work better to overcome these kinds of barriers between getting things done quickly. Mr. Tolbert voting yes; in considering the time that we have dealt with the Eden Hill project he would like to see the thing get through and finalized.*

## 2) Project for Dover's 2019 Comprehensive Plan

### a. Update on Project Activities

Mrs. Melson-Williams stated that in the packet there was a Project Update on the 2019 *Comprehensive Plan*. It was actually presented to the City Council Committee of the Whole and along with a Power Point presentation. In that Report, they laid out what are really five phases to the *Comprehensive Plan* project, taking us from what we are doing now as information gathering

all of the way through the certification process. This chart was actually included in the Report that is in the packet. They are currently in the information gathering stage which means data. They are looking at the current plan. They have been through the Pre-Update Review through the PLUS process and have gotten comments back. They have been meeting with some agencies and have had some engagement events. One of those was the Economic Development Forum that Mr. Hugg focused on earlier that was held last Wednesday that brought a number of people together. They are continuing to gather data and will be doing so this summer. There are a number of things that they will continue to be working on. One of the things that is hot of the press as of last week is what is called the questionnaire/the survey. There is a hard copy version on the Commissioner's desks of the Survey. There is also a bright yellow card that gives the Survey link that is available online for people to take the Survey online. She certainly encourages the Commissioners to do that and share it with all of your friends and neighbors. It goes through a whole series of topics on the City of Dover and Staff wants to know your input and thoughts. Staff has worked pretty hard on that and will be doing more outreach to get that Survey notice out there and have people either take it in hard copy form or online, either one is fine. Hard copies can be returned to the Planning Office. They have put up a *Comprehensive Plan* web page that is part of the City's web page and that will be where we report on updates and things. That is also noted on the card.

b. Evaluation of 2008 Goals and Recommendations

Mrs. Melson-Williams stated that she has six out of nine Commissioners that have submitted your goals homework. Five of the nine have completed the recommendations homework. They gave that same homework to assignment to City Council and the Council Committee of the Whole members last week. She has not seen any of those come back yet. The Historic District Commission had the same homework assignment and she has had at least four of the five participate in that. Mr. Roach and Mr. Baldwin need to do the recommendation section and Ms. Maucher, we still need to hear from you.

**Meeting adjourned at 9:51 PM.**

**Sincerely,**

**Kristen Mullaney**  
**Secretary**