CITY OF DOVER SPECIAL PLANNING COMMISSION
September 30, 2015

A special Meeting of the City of Dover Planning Commission was held on Wednesday, September 30, 2015 at 5:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Cregar, Colonel Welsh, Mr. Holt, Ms. Still, Mr. Ambruso and Mr. Tolbert. Mr. Holden, Mr. Baldwin and Dr. Jones were absent. (Mr. Holden arrived at 5:02 pm)

Staff members present were Mrs. Townshend, Mr. Cook, Mrs. Dawn Melson-Williams and Mrs. Mullaney. Also present were Mr. Russ Huxtable and Mr. Thomas Ayd.

APPROVAL OF AGENDA

Colonel Welsh moved to approve the agenda as submitted, seconded by Ms. Still and the motion was unanimously carried 6-0 with Mr. Holden, Mr. Baldwin and Dr. Jones absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

Mr. Holden arrived.

OLD BUSINESS

1) Revise Plan Information:
   A. S-13-18 Redevelopment of Walker Woods: The Village of McKee Branch – Information on Revisions to building architecture associated with the Site Plan to redevelop the property with twelve (12) two story and three story apartment buildings (a total of 77 units in Buildings A-L) and a 3,400 SF Community Building. The properties are zoned RG-2 (General Residence Zone). The properties known as Walker Woods Phases 1 and 2 are situated on the north side of Walker Road adjoining Harmony Lane; the new development will be named the Village at McKee Branch. The owners of record are Walker Woods Properties, LLC and Milford Housing Development Corporation. Addresses: 1357-1383 Walker Road and multiple addresses on Harmony Lane. Tax Parcels: multiple parcels on map ED-05-067.18-01 Council District 4. *The Planning Commission granted conditional approval of the Site Plan on October 21, 2013 with Final Plan approval granted September 14, 2015. At the September 21, 2015 Planning Commission meeting, the Planning Commission requested the project develop appear before them to discuss the revised building architecture.*

Representatives: Mr. Russell Huxtable, Milford Housing Development Corporation; Mr. Thomas Ayd, Green Street Housing

Mrs. Townshend stated that the purpose of this meeting is to review an issue of Old Business: the architecture associated with S-13-18 which was granted conditional approval by the Planning Commission on October 21, 2013. The Final Site Plan approval which is the administrative approval once all of the conditions of approval are met was granted by the Planning Office on September 14, 2015. When they reviewed the Building Permits and the building plans associated with the project, they determined that the architecture was remarkably different from what was

shown to the Commission at the review in October of 2013. They brought it back to the Planning Commission as a discussion item of Old Business at the meeting on September 21, 2015 at which time the Planning Commission passed a motion instructing Staff not to issue additional permits until they have had an opportunity to bring the applicant in to talk to the Planning Commission about the architectural changes. In that case she would note that there is a section of the *Zoning Ordinance* that specifies that the architecture is to be approved by the Planning Commission. So it was part of the package that they looked at in October 2013 but that architecture did change. They have had some intervening discussions with the applicant who is here and they have submitted updated renderings that would kind of break up the architecture a little bit to address some of the concerns that she conveyed to them. She knows they typically conduct things in a Robert's Rules format; her recommendation would be that the Commission engage in a dialogue and ask questions and then when it gets to the point of making decisions go to the more formal just so that more can be accomplished that way.

Mrs. Townshend gave an overview of the PowerPoint presentation regarding the architectural elevations. There were slides showing the original elevations from October 2013, the elevations from last week (September 21, 2015) and then updated renderings from the applicant that shows using different sidings and other features to break up the architecture. There is a combination of vertical siding on some portions of the building, breaking it up with colors, adding shutters and changing the roof line a little bit. What is seen on the updated renderings is not what was seen in October 2013 but it definitely is a change in the architectural flavor from what was seen last week. The applicant has these elevations as handouts for the Commissioners.

Mrs. Townshend stated that the architecture that was in the Building Permit application for the Community Building was consistent with what was shown to the Planning Commission. There is a rendering in the PowerPoint just so the Commission can see how they are using colors and materials to break things up.

Mrs. Townshend questioned if there was anything that Mr. Huxtable wanted to add to what she said or did he just want to take questions from the Commissioners? Responding to Mrs. Townshend, Mr. Huxtable stated that he would start with questions and then if he needed to work back they could work that way.

Mr. Cregar stated that he would like to know how they got from what the Commission originally approved to what is being presented today. Responding to Mr. Cregar, Mr. Huxtable stated that in 2013 they acquired Walked Woods II; it was a low income housing tax credit project. It was the first nineteen (19) units as you came into Harmony Lane; most of those units kind of front on Walker Road as well. The fifty-two (52) units that are in the back, Walker Woods I was a previous low income housing tax credit project that had been sold to a new owner after the fifteen (15) year compliance period had expired. Both projects were in need of capital to bring it up to standards and really invigorate the project. It was a modular constructed project before. Milford Housing along with Green Street Housing applied in 2013 for low income housing tax credits to bring in the capital and equity to re-develop the property. When they came to the Planning Commission initially in 2013 with those plans, they had the intention of increasing the density; most developers want to increase density. They had that initial vision as well. They also needed to add additional handicap accessible units which necessitated a design change. The current project in the back especially was fifty-two (52) individual parcels. They were individual townhouse units and the zoning that was

currently in place only restricted the development to that style townhouse unit. Adding the necessity for them to add handicap accessible units, they needed to go to more of a stacked duplex type of project so they could have first floor handicap accessible units.

In addition, the low income tax credit rules are peculiar. There are rules with the IRS that have to dictate some design changes in how they were planning their project. At that time they thought they needed to keep majority of the exterior walls in place so they were designing around that element as well. In order to increase density and get the stacked units, they did increase to a third floor in some of the buildings. In the design, the plan was to have two (2) of the primary buildings on Harmon Lane to be a third story that would help them increase their density. That's when they approached City of Dover to change the zoning to allow some of those changes to happen. They were early in the development process and they had visions that they would be able to add that third floor and do some other design elements. They were awarded tax credits and preceded down the plan to create more of the robust elements beneath those exterior facades. In the current Walker Woods there is a lot of different back and forth with how the units set. Their roof lines had to match so they had a lot of different pitches and things of that nature. Unfortunately, the general contractor had different visions of the cost than they did and the price for the construction exceeded what their budget and what their allocation of credits could be with the Delaware State Housing Authority and the low incoming housing tax credit program. They tried bridging that gap in financing through a variety of resources and they were unable to bridge that resources gap to get them over the edge and to make that project more of a reality. Because they knew Walker Woods needed the reinvestment, they had to go back to the drawing board and now at this point in time they could work more closely with the general contractor to come up with a design that they thought was consistent with the zoning that had been approved that would allow for the stacked duplex designs and incorporate some elements that would make the project be better than it currently is. In addition, there were elements that kind of don't show up in the architecture that they do have to include. The Community Center is one element that doesn't existing currently in the project and they have found especially for a project the size of the re-development of Walker Woods as McKee Branch. An on-site Community Center is vital for the residents. It provides some resources; they will have a computer lab and things of that nature that the residents can utilize. There are services that will be happening out of that Community Building. They will have on-site property management; something that hasn't really been there before. The previous owner was using one of the apartments as an office and for the first phase of nineteen (19) units, that office for a while from the previous owner was out of General's Green on Route 10. There wasn't really on-site management and when you have on-site management he thinks you have a better property and better control of the property from an asset management standpoint and from a residents standpoint. In addition, they are going to have security cameras on-site. They think they will be in a better position to partner with the City of Dover and law enforcement endeavors. If there is something that happens, they will have security now; something that didn't exist before. Previously, there have been issues and this had been a targeted place to revitalize. While they were working with other jurisdictions like the Fire Marshal and Kent Conservation District they found out that those buildings that they wanted to put three (3) stories on, the Fire Marshal was now going to require them to have a lane behind those buildings. In addition on the west side of Harmony Lane there is actually an isolated pocket of wetlands that they would have to seek approval to either get into or come close to. They were also adding impervious surfaces to those roads which not only added costs but also created issues with water management. They went from three (3) stories to two (2) stories not only because of costs but because they were working with a lot of other folks that have input on some of the final design elements. That's how

they went from three (3) stories to two (2) stories. They still have some stacked flats. The outside units actually are handicap accessible so when you look at the right side of that building that first buttery colored unit and the next unit over is actually a stacked flat so it will look like a townhouse development.

He is sure there are other things that impacted the design but that's kind of how they got from three (3) stories to two (2). They actually had to turn back those 2013 credits from the low income housing tax credit round but in 2013 they actually had a provision that they could forward reserve their project if they came up with issues. With the tax credit program you have two (2) years to get your project complete and occupied. They closed in the beginning of September and they have until December 2016 to get this project complete and occupied or else there are a lot of penalties involved in the partnership that they have and with tax credits because they have pledged certain delivery schedules. When they were able to bring back the project, they brought it back as sixty-six (66) units to bring down some of those cost and to bridge those gap funds that they did not have and were just not available. He thinks overall the construction costs on this project is $8 million to re-development this site and the elements that are seen. The project will be Energy Star so there are some really good things and a lot of value. He thinks they have tried to address some of the concerns as far as the previous renderings.

Colonel Welsh questioned if this was their first dealing with construction in the City of Dover? Responding to Colonel Welsh, Mr. Huxtable stated on a commercial building such as this yes. They are partners with the City of Dover; they make home repair projects and they have done some home rehabilitation type projects within the City but to this scale yes, this is their first experience.

Colonel Welsh stated that for their future experiences, the Commission takes their architectural standards pretty seriously. When he looks at plan when it's brought before them for site approval, he looks very closely at the architectural renderings, the elevations and to have seen what was brought before the Commission in 2013 and they approved and then to see what was brought before them ready to start construction were two (2) totally different things. Somewhere along the line he thinks it would have been advantageous if they would have made somebody in the Planning Office aware that they were making some design changes architectural basically because they had to. He certainly understands why they aren't going to have the third story if it was going to require a fire lane that apparently they don't have room for. Just for future reference, please understand the Commission wants to see Dover with nice areas and one of the reasons he approved it was because it really represented a drastic change in architectural from the existing Walker Woods. When they came before the Commission, he thought "Uh Oh here we are back to Walker Woods again." He likes the changes that have been made with the different facades and the different color changes to break it up. He is still not real happy with the roof line but he understands where they are coming from when talking about tax credits and the housing area that they are building in. Thank you for coming and explaining to the Commission why. He wished they had been here the night they held the meeting. Responding to Colonel Welsh, Mr. Huxtable stated that he agreed. This has been a process for a while and they've had back and forth dialogue as far as their challenges and things of that nature. They weren't intentionally trying to mislead. They have had dialogue and explained some of their difficulties and things of that nature. He understands Colonel Welsh's point but he is not sure where that point in the process is where they could have had more of an official update. You almost have to have a meeting like this for the applicant to show their progress, difficulties and where they are trending to go. He doesn't think they did anything wrong in the process so they

weren't trying to be deliberate in that regard.

Colonel Welsh stated that his first thought when he saw it was also the thought that he thinks several other people had; it was best described as "bait and switch." What was approved and what they got were two different things. He thinks something was lost somewhere in translation. They could have avoided this meeting and they could have all been made aware a little bit earlier that it wasn't going to be as represented. He understands that during the time of approval and the time you get your permit that changes happened but this time Mrs. Townshend thought it represented a pretty far departure from what was originally presented to the Commission and she needed to bring it back so they could see it. Responding to Colonel Welsh, Mr. Huxtable stated that from his perspective when you come in with this concept of what you want to do and then you have a lot of other jurisdictions that have an impact in what your final product would be. To have some sort of official check in meeting might be good to put into the process because it was never a "bait and switch." It was the evolution of the project.

Colonel Welsh stated that he recognizes now that it's not but that was his initial feeling. Again, he understands now that that was not the case. The only reason he said anything to them was just for future reference and he thinks the Planning Office has talked about perhaps doing things a little bit differently to ensure that something like this doesn't happen in the future. Responding to Colonel Welsh, Mr. Huxtable stated that they look forward to working with the City of Dover to finish this project and there are other things that they want to assist with moving certain things forward so you may be seeing more of them.

Mr. Cregar questioned on this expanse of the two (2) units, would there be an opportunity to put a flat dormer as opposed to a gabled dormer over each one? Responding to Mr. Cregar, Mr. Huxtable stated that they can check with the architect but they are in a bit of an awkward position because they have actually closed on all the financing that kind of makes the deal happen. So adding a lot of costs at this particular time not knowing what that architecture will cost, it's kind of hard to commit to a lot of things. The revisions being shown tonight are easy bends and this is what they can commit to at this point in time. He can say that he can look at doing that for maybe a couple of the buildings, not all of them.

Mr. Ambruso questioned how comfortable Staff is with these changes? Responding to Mr. Ambruso, Mrs. Townshend stated that she believes these changes represent a significant improvement over what they saw at the last meeting. She thinks the concern that Staff had and what they were hearing from the Commission was that the architecture that was shown last week didn't represent a significant upgrade from what Walker Woods' current architecture is. With this change of some siding and colors and adding some additional architecture elements improves the character significantly.

Mr. Tolbert stated there was going to be a club house. Responding to Mr. Tolbert, Mr. Huxtable stated yes, a Community Center.

Mr. Tolbert questioned if the changes being made to the design affect the club house? Responding to Mr. Tolbert, Mr. Ayd stated that they didn't do any material changes to the Community Building with the exception that it's been off set more from the road. There's more of a front yard to it because they weren't disturbing and putting a road behind it as in the initial plan.

Mr. Tolbert questioned if it was going to be basically the same size? Responding to Mr. Tolbert, Mr. Ayd stated that it was the exact same size.

Mr. Holt questioned now that they have the new architecture, financially are they "out of the woods"? Are they going to be able to proceed along and do you think the project will sell itself moneywise? Responding to Mr. Holt, Mr. Huxtable stated that they have closed on all the financing that they need for the project. They are actually putting in some of their own equity into the project to make it work. Yes, you basically get an allocation of tax credits and then some investor comes in and kind of buys them. That's where it infuses a lot of capital. They also try to go and get advantageous financing to make it affordable. They are making this affordable to families making 30%-50% of area median income. They are okay with the project. Their investors are highly concerned that this would cause a delay because as he mentioned, that have an end date of 2016 to worry about. The investors aren't local so they don't know what the process is. Milford Housing is a part of the community that's why it's a local developer doing this.

Mr. Holden stated that he appreciates the changes that have been made in the last week to get them a different look and it helps. He thinks when you come with a concept and the concept changes so drastically, it really is on the developer to bring that to light. It was much more of a wholesale change, both from the setback of buildings to different roof lines to differing architecture and façades. It was a lot that was very different and then they got the graphic that was singular building that's just been chopped up into a couple of pieces. He thinks that this different façade helps a little bit. He would really like to see a little more than just some different colors. It's just changing the dressing on the same box where before they had a multitude of boxes of different shapes and different positioning. His question is, is there a next step that you think is an achievable step other than switching from shutters to no shutters or vertical to horizontal (siding). To have every unit have a different roof line is a bigger jump but what are those jumps that are in between that are going to differentiate the structures a little bit and give it a little more sense of character versus a mass produced unit block of homes? Responding to Mr. Holden, Mr. Huxtable stated that at this time, beyond what they have brought here it would be difficult to make any sort of wholesale changes to the plans to provide a jut or backwards here; that would jeopardize the project moving forward.

Mr. Holden stated that originally they were somewhat constrained by the off-set of the structures. He missed the detail of how they are no longer constrained by that off-set of the existing structures to a much more rectangular overall foundation. Responding to Mr. Holden, Mrs. Townshend stated that she thinks it looks more rectangular than if you look at it from a plan view. That is one of the things that Staff did look very closely at when they looked at the building plans. There are still those jogs in the building so it's hard to capture in a rendering but it's not a flat front. You are not going to be looking at a flat front with just changes of colors. There are actual jogs in the foundation that then continue through the construction.

Mr. Holden stated that Mrs. Townshend spoke of the original buildings where really one building was very off set from another; almost stair stepped in terms of how they adjoin each other. The black and white rendering that they had really had that feel; it was even a two view drawing. Maybe it's the common top peak of the roof line that takes away from that. It appears that other than maybe two or three feet that really all building faces are flush with each other within a couple feet of each

other. The applicant mentioned that one of the challenges with the design elements that they saw originally was because of the fact that these building faces don't adjoin flush, that they are stepped back and forth from each other. He didn't know if something had changed into how they ended up with a much more aligned building. Responding to Mr. Holden, Mr. Huxtable stated having different peaks along every single roof and having to probably frame that individually it was a high cost item from the original plan. He thinks in one of the pictures on the original plan, you'll see how complicated it was. They probably should have realized at that time that it was going to be difficult but that was part of the reason why they felt like they needed to keep 75% of the exterior walls. They still kept some elevation changes in this regard as well as they added gabled roofs where no gabled roof currently exist. They did go with a consistent roof color because they thought that looked a little bit better than what is currently there with gray and maroon and back and forth. He knows that the Commission has the concern about the architecture but he thinks what is represented here in some of these plans and with the windows, the quality of this construction is going to be remarkably better than what is there.

Mr. Tolbert questioned if Mr. Huxtable made mention of why there were no shutters on most of the windows? Responding to Mr. Tolbert, Mr. Huxtable stated that he did not. They added shutters on some and they added other decorative trim around other windows. If you look on the left hand side of the building in the display, you will notice that they have a wider trim and some other decorative pieces. The architect actually went around town and took some pictures of some elements of City of Dover with entryways, coverings, windows and roofs. They took elements that they felt they could incorporate that would represent of the community. They didn't go straight shutters with all of it because they thought they might have an issue going with all shutters.

Mr. Tolbert stated that he did notice the wider trim; that stood out to him right away. But it's not as pretty as shutters. Responding to Mr. Tolbert, Mr. Huxtable stated that if you look at the middle unit, they have actually given a different style of trim on those windows as well. They are trying to bring different elements that they see every day within the City of Dover.

Colonel Welsh moved to approve the architectural changes made to S-13-18 Redevelopment of Walker Woods: The Village of McKee Branch, seconded by Mr. Holt and the motion was unanimously carried 7-0 by roll call vote with Mr. Baldwin and Dr. Jones absent. Mr. Holden voting yes, as it's an improvement to the condition of the existing structures and it's an improvement upon the renderings that the Commission saw a week ago. Mr. Cregar voting yes; he agrees with Mr. Holden but he still wants the applicant to check on those dormers. He believes that having the Planning Commission review this architectural change was in the best interest of the community. Colonel Welsh voting yes, for all of the reasons previously stated. Mr. Holt voting yes, for all of the reasons previously stated and what was just discussed during this meeting. Ms. Still voting yes, in concurrence with all the previous comments and she thinks it's a significant improvement over what the presentation was at the last meeting. Mr. Ambruso voting yes, for all of the reasons previously stated. Mr. Tolbert voting yes, for all the reasons stated and for the thorough explanation that they got from the representative and from Mrs. Townshend.

Mr. Cregar questioned if motion needed to be made to release the hold on the issuance of Building Permits? Responding to Mr. Cregar, Mrs. Townshend stated yes, it would be helpful.

Mr. Cregar moved to approve releasing the hold on the issuance of Building Permits for this project, seconded by Ms. Still and the motion was unanimously carried 7-0 with Mr. Baldwin and Dr. Jones absent.

Colonel Welsh stated that he would like to thank Mrs. Townshend and the Planning Staff for bringing this to the Commission's attention and giving them the opportunity to review and make some changes. He thinks the changes are certainly for the better. They could have gone without bringing it to their attention but he is very glad that they did.

Mrs. Townshend stated that she wanted to thank Mr. Russ Huxtable, Mr. Tom Ayd and Ms. Christina Stanley for kicking into high gear and working on how they could improve it. She has worked with Mr. Huxtable for a long time in various capacities. Milford Housing is developing a greater presence in Dover and she thinks they certainly welcome them. She does want them to know that the City appreciates the work that they do and they will make sure that they don't have this little glitch next time.

Mr. Huxtable stated that while this can be a very nervous meeting to have when you get a call saying "no Building Permits" on a big project like this. He appreciates this kind of forum and this kind of dialogue that they have had. He really appreciates the feedback and learning from this in the future.

Meeting adjourned 5:44 PM.

Sincerely,

Kristen Mullaney
Secretary