

CITY OF DOVER PLANNING COMMISSION
May 18, 2026

The Meeting of the City of Dover Planning Commission was held on Monday, May 18, 2026, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chairman Mr. Witham presiding. Members present were Mr. Lewis, Mr. Roach (virtual), Mrs. Denney, Mrs. Maucher, Dr. Jones, Mrs. Welsh, Mr. Reaves (virtual) and Mr. Witham. Mr. Baldwin was absent.

Staff members present were Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mrs. Sierra Brown, Mr. Dan Griffith (City Solicitor) and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

The Agenda has been revised by adding Item #2 – Update to Development Application C-25-01 Lands of 4BL, LLC; Cecil Street Townhouses at 207 N. West Street – Update on Revisit Request for Review of Cash-in-Lieu Payment for Active Recreation Area (with subsequent agenda items renumbered).

Mrs. Maucher moved to approve the Revised Agenda as presented, seconded by Dr. Jones and the motion was carried 8-0 by voice vote with Mr. Baldwin absent.

APPROVAL OF MEETING MINUTES OF APRIL 20, 2026

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of April 20, 2026, seconded by Mrs. Denney and the motion was carried 7-0 by voice vote with Mr. Baldwin absent and Mrs. Maucher abstaining from the vote as she was not at that meeting.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, June 15, 2026 at 7PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on April 27 & 28, 2026 and May 11 & 12, 2026.

Mrs. Melson-Williams stated that we had a new Building Inspector join our team today, so we welcome Lloyd (Evans) to our Staff. He will be in the Building Inspections side of the office. Staff is preparing for what begins tomorrow evening with a Budget Hearing series for the City's FY27 Budget. So, we have potentially three nights of Budget Hearings this week.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the In-Person Meeting and Virtual Meeting using the Webex system.

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: none
Update to Development Application:

C-25-01 Lands of 4BL, LLC: Cecil Street Townhouses at 207 N. West Street - Update on Revisit Request for Review of Cash-in-Lieu Payment for Active Recreation Area Requirement for Cecil Street Townhouses project. The Planning Commission on February 18, 2025 granted conditional approval of Conditional Use Plan and Minor Subdivision Plan application to subdivide the existing 12,168 SF parcel located at the northeast corner of N. West Street and Cecil Street into four (4) townhouse lots (Cecil Street Townhouses). The property is zoned RG-1 (General Residence Zone). The owner of record is 4BL, LLC. Property Address: 207 N. West Street, Dover DE. Tax Parcel: ED-05-076.08-02-01.00-000 and others as subdivided. Council District 4. *Waiver Approved: Subdivision Waiver – Alley Requirement. Approved: Cash-in-Lieu of Active Recreation Construction. Final Plan Approval granted March 11, 2026.*

Representative: Mr. Cameron Llewellyn of 4BL, LLC

Mrs. Melson-Williams stated that this application C-25-01 is for the development of a series of townhouse lots. This is a property series located at the corner of N. West Street and Cecil Street. It moved through a Conditional Use review process and Subdivision process with Planning Commission, but because it is a proposal for residential development, it has an Active Recreation Area requirement. Initially, that requirement was authorized to pay a Cash-in-Lieu of Recreation Area and the City's *Zoning Ordinance* establishes the calculation process for that. It involves submission of an appraisal for the property. Once the applicant submitted that Appraisal, the amended amount that would be due for that Cash-in-lieu payment was of concern by the applicant. Planning Staff took a look at our Code and suggested an opportunity to revisit the City's Council Committee of the Whole – Parks, Recreation and Community Enhancement Committee to have them to reconsider what that amount is. That did occur back on April 14, 2026 and as a result, that Committee recommended that the Cash-in-lieu amount be revised to a total cost of \$1,000; basically \$250.00 per lot. That information is what she is presenting to you this evening. The Code otherwise would have required a Cash-in-lieu amount of \$8,070 based on the calculation method that is outlined in the *Zoning Ordinance*. In the *Zoning Ordinance*; the ability to revisit this Cash-in-lieu amount is found in Article 5, Section 10.171 which is the determination of suitability for cash donation. It allows the Commission to consider a full or partial Cash-in-lieu instead of constructing Active Recreation Area. It also allows consideration given to proximity to existing recreation facilities or other infeasibility related to the land itself. This evening, she is reporting to the Planning Commission that the Parks, Recreation and Community Enhancement Committee has recommended a different amount for that Cash-in-lieu.

The image on the screen shows us the location of the Cecil Street townhouse lots. It is a little difficult to see, but in the upper part of it about a block to the north is the location of a small City park at the corner of Kirkwood Street and Mary Street. Your packet included the most recent summary report that was submitted to the Committee along with the diagram of this location map and then we also have copies of the approved Subdivision Plan for this site. The next image shows that this lot got approval to be subdivided into a series of four townhouse lots.

Mr. Llewellyn stated that they started this project because they wanted to build affordable townhomes on this lot because it was just a massive lot compared to all of the other lots in that vicinity. Unfortunately, that lot doesn't meet what we call a Bulk Standard, which is just a boiler

plate definition of what a building lot is. So, we went through the various processes of getting the Variances to turn the buildings toward Cecil Street. Very early in that process, Mr. Jason Osika, our Fire Marshal basically said “if you put a sprinkler system in these, I won’t make you put an alley out back.” I think we all know what happens in alleys in Downtown Dover right now. For the benefit of the Planning Commission and a full disclosure, one of these units is for his daughter and son in law. When the opportunity came to put a sprinkler system in, it created a lot of new challenges. Mr. Jason Lyon can attest that it created challenges getting water mains big enough to deal with it. To make a long story much shorter, where we are right now is we are bouncing off an affordability issue and our *2019 Comprehensive Plan* says we want affordable homes. Later tonight, you are going to hear from a gal in the back about the SJR8 where we are trying to find ways to make homes more affordable. When we immediately tell a family that they have to pay an extra \$2,000 right up front, we kind of just know that we are going to have to help these young families get in these homes. So, we are asking for a little bit of help on that end of things so that we can let these young families have the same dream that we have.

Dr. Jones stated that she does recall the application coming through and the discussion about the alleys and so forth. Her question is, were you aware of the requirements for the cash-in-lieu payment? Responding to Dr. Jones, Mr. Llewellyn stated yes. They questioned its validity somewhat because if you read the Code, it does tell you that there are certain square footages. There is one section in the Code that reduces the Active Recreation Area requirement to 75 SF per unit. In our back yards, the two smaller ones are 850 SF and the 1,320 SF for the ones on the ends. So there is plenty of opportunity for a family to decide if they want a sandbox, a swing set or whatever they would like for their young family. We just prefer that they be able to do it in their own backyard, not fund it elsewhere in town.

Mr. Witham asked expense-wise, is it more expensive to put in the sprinkler system than it is to designate an alley on the lots? Responding to Mr. Witham, Mr. Llewellyn stated yes, significantly. They did get some good help from Mr. Jason Lyon in a different way to do the water line but it’s still substantially more than just paving an alley.

Mr. Witham asked if the Parks, Recreation and Community Enhancement Committee has submitted their Report to us, correct? Responding to Mr. Witham, Mrs. Melson-Williams stated that she basically verbally gave that to you. They do not issue a Report specifically beyond just Meeting Minutes. Their motion was to recommend the waiver of that Cash-in-lieu payment down to an amount of \$1,000 in total which is basically \$250 per lot. Those monies are paid to the City of Dover and go to the Park Land Reserve Fund.

Mr. Witham stated that he takes it that that verbal report that was given to the Commissioners tonight is suitable for our purposes of a public record. Responding to Mr. Witham, Mrs. Melson-Williams stated that yes, it would be.

Mrs. Denney moved to approve C-25-01 Lands of 4BL, LLC: Cecil Street Townhomes at 207 N West Street to accept a Cash-in-lieu payment of \$1,000 which is \$250 per lot, in light of the fact that this is a good project for that particular area and the developer/builder is working hard to meet all of our requirements and it is very costly to bring that new water line in there. She thinks it is a good idea for us to meet them halfway and help them with this fee, seconded by Mr. Lewis

and the motion as carried 8-0 by roll call vote with Mr. Baldwin absent. Mrs. Denney voting yes; she thinks that this reduction for the fee is a good idea in light of the fact that they are trying to meet us halfway. Mrs. Maucher voting yes; in light of the backyard space available for the home owners and the close proximity of the parks and recreational activities that \$250 per unit is sufficient. Mr. Roach voting yes; for reasons previously stated. Dr. Jones stated yes; based upon the recommendation from the Parks, Recreation and Community Enhancement Committee. Mrs. Welsh voting yes; for reasons previously stated. Mr. Reaves voting yes; for reasons previously stated. Mr. Lewis voting yes; he is on the Parks, Recreation and Community Enhancement Committee as well that decided this and at that time it seemed like a reasonable compromise and it still does. Mr. Witham voting yes; for reasons set forth in the record and also based upon the Report that we received from the Parks, Recreation and Community Enhancement Committee. It appears to be a good project and a good adjustment for what you are trying to do.

Pending Development Application:

SB-25-02 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision): Conceptual Subdivision Plan - Public Hearing and Continued Review of a Conceptual Subdivision Plan to create five (5) lots and one residual lot from 2 existing parcels totaling 4.5754 acres to be known as Ekaman Subdivision. The proposed subdivision is to consist of five residential lots with the residual for stormwater management area. The proposal includes the extension and addition of a cul-de-sac to the existing street right-of-way of Jefferson Terrace. The larger parcel is zoned R-10 (One Family Residence Zone), and the additional parcel is zoned R-8 (One Family Residence Zone) with both being located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. Property Address: unaddressed on Jefferson Terrace extension (part of which is referenced as 3.8904 acres of Wyoming Avenue Rear). Property Owners: Wyoming, LLC and Functional Properties, LLC. Tax Parcels: ED-05-077.17-06-02.01-000 & ED-05-077.17-06-13.00-000. Council District 2. *Waiver Requested: Percentage of Lots on a cul-de-sac. The Planning Commission deferred action for SB-25-02 on September 15, 2025 seeking additional information. This property was reviewed in 2013-2015 as SB-13-06 Jefferson Terrace Subdivision; however, the plan was never finalized. Application for Conceptual Subdivision Plan SB-23-01C was conditionally approved by the Planning Commission in March 2023; previous waiver requests were unsuccessful, and the plan expired. The properties were examined again under Conceptual Subdivision Plan SB-24-01 and were denied by the Planning Commission on August 19, 2024.*

Representative: Mr. Troy Adams, Mountain Consulting; Mr. Emmanuel Ehize of Wyoming, LLC

Mr. Witham stated that he is looking for a motion from the Commissioners to lift this application from the table since it was postponed and to continue with this public hearing and review.

Mrs. Maucher moved to lift this application from the table and continue with a public hearing and review, seconded by Mrs. Denney and the motion as carried 8-0 by voice vote with Mr. Baldwin absent.

Mrs. Melson-Williams stated that this application is SB-25-02. It is a Conceptual Subdivision Plan. The lands are held in two ownership entities: Lands of Wyoming, LLC and Functional Properties, LLC. We also refer to it as the Ekaman Subdivision. It is a Subdivision Plan and it involves the large property in the center of the screen that has the R-10 (One Family Residence Zone) on it as well as an adjacent property to the north and east. This property has frontage on both Monroe Terrace and also on the right-of-way from Jefferson Terrace. Those two streets create that cross type format of street network shown in the center of the screen. Jefferson Terrace to the west of Monroe Terrace is currently not improved to City street standards. The right of way exists; however, there is a part of some pavement there at that intersection and it turns into gravel and then into unpaved surface. This proposed Conceptual Subdivision Plan is a plan to create a series of five lots and then the residual land area. The next image includes information on creating Jefferson Terrace to the west of Monroe Terrace and with that terminating in a cul-de-sac. The lots for development of individual single family homes would be along this extension of Jefferson Terrace and around the cul-de-sac area. The residual land is the lower portion of the image here, that is to remain as open space. It includes what is a water way that cuts through it where there are areas of wetland and floodplain areas that by the City's *Zoning Ordinance* would not be allowed to be developed. This project does not involve development in those areas. The property for the larger parcel is zoned R-10 (One Family Residence Zone) and the additional parcel that is on the north side of Jefferson Terrace is zoned R-8 (One Family Residence Zone). The uses in those two zones are the same; the difference is really the minimum lot size in each of those zones. With the project, they are seeking a recommendation this evening in regards to a Subdivision Waiver. The City's *Land Subdivision Regulations* include a requirement related to the percentage of lots on the cul-de-sac. It limits that percentage to 20%. In this case, the property layout basically is a cul-de-sac so pretty much and four of the five of the residential lots proposed for development have frontage on that cul-de-sac area. While they meet the lot width requirements, the sheer percentage number anything greater than 1 and they would have to be asking for that Subdivision Waiver. This project, as noted, began review back in September 2025. At that time, the Development Advisory Committee reviewed the submission and has provided the Report with comments. The Planning Office kicks off that Report by going through all of the lot size requirements which they are meeting. With a Conceptual Subdivision Plan, this is an initial look at the layout of the project. Should it move forward, it will have to return with a little bit more of a detailed plan for their project as part of a Preliminary Subdivision Plan review process. With the extension of Jefferson Terrace as a public street noting that the right-of-way does exist, the street will have to be built by City street standards which include certain types of paving section, upright curbing as well as sidewalks on both sides of the street. This project is in this Concept Plan and showing those elements in this point in time. There are some standards for infill development. This is what that would be because it is totally surrounded by development. There are some landscaping requirements and some features of the individual buildings that will have to be met for those infill standards as well as providing sidewalks is one of those infill standard items. She noted that this property has some areas that are in the Special Flood Hazard Area that is the 1% annual chance flood or 100-Year Flood Plain. They are to remain as natural open space. They can be utilized for things related to stormwater management but they are not on individual lots. The southern property line of two of the parcels stays out of the Flood Hazard Area leaving it on the residual lot that is designed as part of this project. Likewise, there are certain wetland areas that are identified. The City's Code has a buffering requirement from those wetland areas where a

riparian buffer is to be established. That can be done by leaving those areas in their needed vegetative or treed state. Additionally, there are tree planting requirements so the individual lots can retain existing trees on them but there are some minimum tree planting that will be in more detail should this project move forward and also any Active Recreation Area requirements would be looked at during a Preliminary Subdivision Plan review process. The Planning Office provided comments. They recognize that this project creates really a total of six lots out of the two existing parcels that it starts with. Five of those are proposed for residential lots where one house would be located on each lot. The Planning Commission will need to make a recommendation on the Subdivision Waiver request about that increased number of lots on the turnaround portion of the cul-de-sac. Planning Staff notes that given the configuration of the land mass we are starting with, it really doesn't allow for any other scenario other than creating a cul-de-sac because of the surrounding development. The Development Advisory Committee Report includes more detailed comments from the Department of Public Works, the Department of Water/Wastewater as all of these lots will need to be connected to City water and sewer. Likewise, there are comments from the City's Electric Department and from the Fire Marshal's Office. The Fire Marshal will be looking carefully at the cul-de-sac and the details of its sizing as well as fire hydrant placement. DelDOT has provided comments; however, these are not DelDOT or State maintained roadways so what they have to do with DelDOT may be somewhat limited. Stormwater management very specifically, will be reviewed by the Kent Conservation District and is subject to compliance with the Delaware Sediment and Stormwater Management Regulations. There will be much greater detail about how that will be resolved for this property as things move forward. The Kent Conservation District is well aware of the challenges in this watershed area and will be working with the applicant to ensure that their water goes where is needs to and does not cause anything different than what already may happen today in that area. She does want to note that there is a letter that the Kent Conservation District has included specifically as part of the packet regarding this application. Additionally, the Planning Staff included the excerpt of the Meeting Minutes from that September 15th meeting and then they have also included a letter dated March 16, 2026 related to the Woodbrook Development Drainage Improvement Project. It was written by Davis, Bowen and Friedel who was providing consultant services to the City regarding that drainage improvement project. That was one of the reasons why the Planning Commission back in September tabled this application as they wanted to learn more about that drainage improvement project that was underway at the time. She is going to refer to Mr. Jason Lyon as he is an engineer with the City and he can enlighten us a little bit about the Woodbrook Development Drainage Improvement Project; where it stands and how it is related or not related to what is before you this evening.

Mr. Lyon stated that as Mrs. Melson-Williams mentioned, the City of Dover is entertaining a project where in concert with Bond Bill money to assist with drainage concerns in the Woodbrook area. This is northwest of the project that is proposed this evening and the extent of the study starts in the west in this (Woodbrook) development. There is an active swale that bisects the property. The image on the screen shows the squiggly lines on the properties. There are also culverts with catch basins in the road and so our engineering team was tasked with eliminating flooding in the roads. The next image shows the span to east. In the middle of the page you will see a stormwater pond that is there along with the swale that is going to the west and then again going through Westview Terrace. There are stormwater pipes that go under the ground and then discharge eventually to the swale that you see on the right of that drawing and

then eventually to the pond that borders Lynnhaven Drive to the south. The task of the engineer was to eliminate what they call flash flooding and so the project does not increase capacity, it just allows the water to go quicker. If you think about a bath tub that doesn't drain very quickly, what you do is make the orifice bigger and water drains quicker. When water drains quicker, it gets to the spot that it needs to go faster instead of having stagnant water, potential mosquitos and all of the other things that we link with stagnant water. The proposed plan is to increase the catch basin size in both Westview Terrace and Woodbrook Drive as well as clean out the vegetation growth in the swale and dip out about two feet from that pond to allow the water to move quicker through that system. He will reiterate that this is not allowing more capacity. This is nothing to do with the proposed subdivision. That was not taking into account with this study, this is existing conditions.

Mrs. Denney stated that she used to manage the Town of Camden. We had very similar issues and of course that 100 Year Flood Plain always sounds intimidating to the community any time you have to talk about it. But, you kind of solidified what she has been thinking just as she has really been studying this because when we heard this in September, there was a huge issue brought up by the community of fear of like the unknown and the already existing. At that time, she felt very strongly just because of her history, that the community doesn't realize it but the best thing that could happen is the development because then the Kent Conservation District is going to get in there and do their job and so the problems that they already have may even go away. If you don't do this and you don't fully understand it, that fear is a reality especially if you've had a flooded basement or any of those things. Other than dredging the pond a little bit and increasing the size of the stormwater drains, then this should resolve itself with those two things happening, correct? Responding to Mrs. Denney, Mr. Lyon stated that it will increase the flow quicker. The same volume of rain is still going to get provided through this system, it is just going to go a little faster.

Mrs. Denney stated that it will go a little faster and the pond will be dredged so there will be a little more room in the pond to accept the extra runoff. Responding to Mrs. Denney, Mr. Lyon stated correct, but the swale it not getting bigger. We are not getting a bigger cross section, and we are not increasing the pipe size. We are just increasing the inlet size to allow more water to get off of the road quicker.

Mrs. Denney stated that from an engineering standpoint, obviously any time you plan a house on a field it takes up space where water goes; we all understand that. But, there is still going to be plenty of impervious soil as far as she can tell on these lots for appropriate drainage, or should be. This is the beginning of what is a few more meetings and a lot more reviewing. Responding to Mrs. Denney, Mr. Lyon stated correct. As Mrs. Melson-Williams mentioned earlier in her opening statement, the Kent Conservation District has the authority and the jurisdiction of reviewing the stormwater improvements which is best management practices. Usually ponds or some sort of potential infiltration if feasible, all of that will be worked out throughout the project. And again, as Mrs. Melson-Williams stated and he will echo again, the Kent Conservation District does not allow development to occur that pushes more water in the post-development than the pre-development.

Mrs. Maucher stated that the project with the swale is going to go forward regardless of what happens with this project. Responding to Mrs. Maucher, Mr. Lyon stated yes, this project was part of the states Bond Bill money for design and they will be budgeting for this construction phasing on an out year. Mrs. Melson-Williams mentioned earlier that the budget hearings start tomorrow night. This is an out-year project so in other words, it is not next fiscal year but a future fiscal year. Regardless of this project, the subdivision construction project will be budgeted for and constructed.

Mrs. Maucher stated to clarify; the City will be responsible for the cost of that project. Responding to Mrs. Maucher, Mr. Lyon stated that potentially. They look at every revenue source; so if you know of anything, we are all ears.

Mrs. Maucher stated that if this development has to have stormwater, is there an HOA that would be required to fund the stormwater management portion? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that residential subdivisions are required to have a Homeowners Association or some type of management entity when they hold common land and she believes that the residual land would make that a requirement. Their stormwater practices for this development would likely be first funded with the developer and then longer term maintenance would be with that Homeowners Association or other maintenance association.

Mr. Witham stated that we don't have a definite timeline for this improvement to this area, correct? Responding to Mr. Witham, Mr. Lyon stated that unfortunately, all he can tell them is that it will not be funded between July 1, 2026 and June 30, 2027.

Mr. Ehize stated that he is the owner of this vacant lot that is under discussion tonight. He appreciates the opportunity to speak directly. He wants to begin by acknowledging because of the concerns that have been raised, he understands that change in any neighborhood can bring questions, caution, and even hesitation. This is your community and your voice matters; he understands that fully. However, he also wants to share the purpose and intention behind this project because he believes that it is a misunderstanding that deserves to be addressed. This lot, as it currently stands is vacant and unused. It contributes no housing and no economic activity and no community benefit. Over time vacant properties often become liabilities and can lower property values and create safety concerns. To give you a sense of his commitment, maintaining this property costs him about \$3,000 every year since 2020 when he got this property. Under the advice of his engineers, he spent \$50,000 in 2024 to clear the waterways. That, again is commitment. This proposal is not about introducing a threat to the neighborhood. It is about removing the problem and replacing it with value. As it was mentioned in this independent study, that the proposed development would not affect already existing infrastructure, it would make it more efficient. The project consists of single family homes and is designed to bring measureable benefits to this community, including improved safety for active use of the property, increasing property values for surrounding homeowners, beautification of the utilized space and responsible investment long term for the neighborhood and above all, additional taxes to the City of Dover. This project is designed to strengthen this community. He understands that concerns about change are to come from a place of wanting to protect what already exists, but we must also consider what happens when nothing changes. Change is part of progress in society and we have to walk together to proceed responsibly. A strong community is one that evaluates

development based on parts, responsibility, and long term. He is confident that this proposal meets that standard. He is fully committed to ensuring that this project is completed correctly, safely and in full compliance with all applicable regulations. He is also open to continued dialogue to ensure the outcome aligns with the community values and expectations. To reiterate, it will all be single family homes. This is not his first project in this community. What he is asking for tonight is not a final approval. He is asking for a fair and rational evaluation of what is being proposed based on what currently exists. He believes that this project can become something that this community will be proud of and he is willing to work with all stakeholders to ensure that outcome.

Mr. Adams stated that he thinks everything has been explained very well by the presentation from Mrs. Melson-Williams and Mr. Ehize. He doesn't think there is much that he can really add but he wants to reiterate that the major concern the last time that we were here. He thinks the vote was 5-2: five people wanted more information and two people were willing to move forward at that time in September. He thinks the intent has been satisfied to provide the extra information that was desired.

Mr. Witham asked the applicant to explain more about his request with respect to the cul-de-sac. Responding to Mr. Witham, Mr. Adams stated that there is a regulation where only 20% of the lots can be on a cul-de-sac. Given the way this property is shaped, in order to get through the properties on both sides, we are creating a road. There is a paper road kind of there but we are creating a real road here. By the time you get to our land that is developable, you have to immediately create a cul-de-sac. So with that, pretty much all of the developable lots that a house would be placed on, touch the cul-de-sac. So four lots out of the total six lots which he thinks is about 66-67% which greater than 20%. So to make this more of a viable situation for Mr. Ehize, we have to request a waiver from that requirement to get a count.

Mr. Witham asked if he has considered the parking issue that will be created by virtue of that cul-de-sac. Responding to Mr. Witham, Mr. Adams stated that the road will be wide enough to at least have parking on one side. He thinks parking is not allowed in a cul-de-sac anyway.

Mr. Witham asked if the parking will be on the lots themselves. Responding to Mr. Witham, Mr. Adams stated yes, each lot will have a driveway.

Mrs. Maucher stated that was one of her concerns as well. From what she read, the access road will be 24 feet wide and it would prohibit parking on either side of the road. Responding to Mrs. Maucher, Mr. Adams asked Mrs. Melson-Williams to confirm if parking could be on at least one side of the road if it was 24 feet wide.

Mrs. Melson-Williams stated that 24 feet wide is the minimum. If you wish to have parking on one side, she thinks that you add 6 feet to that.

Mr. Adams stated that whatever he has on the plan as width is what he needs to successfully build a road through here. Right-of-way to right-of-way, he has 36 feet. But he thinks that the most important piece here is that each lot will have a driveway. Most houses also have a garage

typically. So, if there is anybody who is parking on the street, they are probably already parking there now if you get what he means. He doesn't think parking is a big issue.

Mrs. Maucher stated that in the Report it states that the applicant has stated that the paved width of the street will be 24 feet which does not allow for on-street parking and parking would be prohibited in a cul-de-sac. If someone was to have a family gathering or party or something, it would be forcing people to park down on Monroe Terrace. Responding to Mrs. Maucher, Mr. Adams stated that if they have to park on Monroe Terrace, fine but this is like any other community in a regular subdivision like everybody else lives in. He doesn't see that being a major concern by his estimation.

Mr. Reaves stated that there was a good question raised about visitors to the houses in the cul-de-sac. He believes the reason why we have the percentage limit is so that we could be able to navigate that cul-de-sac. His question is with the parking that you said that each house has a driveway. How many vehicles is that driveway going to fit for each house? Responding to Mr. Reaves, Mr. Adams stated that these lots are 0.47 acres, 0.27 acres, 0.46 acres, 0.62 acres, and 0.44 acres. These are large in town lots. These are just as large as a subdivision in the country. We have a standard driveway depending on where the houses are sitting on the lot, which is yet to be determined. They could be very long driveways. We have the proper width driveway that is at least two cars deep. You could probably get at least four cars in a driveway if not more, depending on how the house is set in there. For the cul-de-sac, its dimensions are per City of Dover regulations so everything is normal there. He thinks these lots are large enough to figure it out if there is a larger event, but how often will that happen?

Mr. Witham stated that he would agree that the plan itself shows the street width at 36 feet but not in the cul-de-sac. But Mrs. Maucher's comment about the Report under Item #6 states that the applicant states that the width of the street will be 24 feet which does not allow for on-street parking. Parking would be prohibited within the cul-de-sac. Is that inaccurate? Responding to Mr. Witham, Mr. Adams stated no, he doesn't think that is inaccurate. What he failed to have on (the plan) here is the dimension from back of curb to back of curb to verify the 24 feet.

Mr. Witham stated that perhaps you will have to revise that. Responding to Mr. Witham, Mr. Adams stated that he can tell you now, what he has on here works. If we start widening too much, then that creates other issues.

Mrs. Denney stated that this is so preliminary at this stage as we are looking at this. When we truly get into the design and the engineers and the Planning Department take a look at this and say "okay, this doesn't work" or this is a private road and there will be restrictions that have to be met. In the event that they don't meet them, then it's back to the drawing board. This is not the finality; we have a key to the gate. Yes, this looks like a plan and it looks like it fits but this is the first step. We unlock the gate and then they have a whole bunch more to go through to meet a whole lot more requirements. They have to meet requirements for so many parking spaces per bedroom on the property, etc. It could go further than us and find that there is a problem, but overall, does this look good? She is not crazy about a 24 foot width road and she happens to live on State Street which is nice and wide and they don't have a driveway. If she has a party or a graduation or even a Sunday dinner now that the kids are all home and bring their friends, there

are both sides of State Street lined up with cars. But as neighbors, we all understand that because of all of these years that we have been living together. But again, you have a lot more to go through in design and at any point someone can say this isn't wide enough and the lots are going to be shorter.

Mr. Witham stated that this is a hearing on the Conceptual Subdivision Plan; it is the first of at least three hearings so he understands that. The Commissioners are simply pointing out things that they need to talk about. Responding to Mr. Witham, Mr. Adams stated that they hear it very clearly.

Mr. Witham opened the public hearing.

Mrs. Melson-Williams stated that there are a number of sets of public comments that they received in writing. Specifically, Set 1 which was from September 2025, then Sets 2, 3, and 4. Some of them were part of the Planning Commission's packet distribution and others have come out in recent days and Set 4 is from this afternoon. She expects that we will hear from some of the individuals that have provided written comments. We will do the public hearing portion for those that may be present or online and then she will specifically enter all of those public comments into the record formally.

Mr. Steven LeBoon – 1025 Westview Terrace Dover, DE 19901

Mr. LeBoon stated that he wants to thank the Commission for last September for granting the continuance because he did receive the Survey Report from Davis, Bowen & Friedel and it was extraordinary. As Mr. Lyon has articulated, the water will push. One thing that he wants to highlight is that the Report is comprised of 160 pages and every page is intriguing. The water is definitely extraordinary in our area. The impervious coverage came up with the conclusion of 38 and Mr. Lyon can validate. If he is correct, the City is capped at 33 so our neighborhood cannot sustain anymore building. He had emailed Mrs. Melson-Williams the sign in sheet that comprises 19 residents in opposition and it's in the record along with various letters from Mr. Dan Beaker, Mr. Lees and himself. He thinks it's pretty extraordinary how he (applicant) doesn't explain this. This image shows his entrance to his undeveloped land that has been vacant for 200+ years. It has been undeveloped because it's in a flood plain. If you look very closely at where my door is, how is he going to put a road in there? Where are the sidewalks? He wants to remind this Commission, Council already denied this application because of no sidewalks. They were trying to get a variance. He doesn't really know how we moved forward without addressing the sidewalks. In fact, the previous owner when he bought the recycled plans from the MacLeish's, they couldn't move forward to stage 2. Mr. Ehize acquired the property a couple of years ago at a discounted price from \$300,000 to \$72,000. One of the things that he wants to share for the record is that his wife who is also going to speak to help this gentleman on how to sell this property in a flooded area. The image shown is his old house with an illegal two story garage that was put here illegally. Thankfully the Planning Department where he used to live up north eventually got rid of it. It shows the standing water from less than a quarter inch of rain; that is reality. That is why he wanted to explain why he has been so adamant for 10+ years of why this application needs to be denied. This has been ongoing for 14 years. He is asking the Commission to squash this. If you don't want to squash it based on the fact that he has no access. He purchased an undeveloped property with no access to even build properly. There are no

sidewalks. Council has already denied it. Or you can combine two of them and deny him for the flooding which he has clearly articulated over and over along with all of the Ordinances that protect the residents. You cannot deviate from them. He just wanted to share with the Commission the reality. He cannot build because there is no sidewalk or even an adequate road to go into the entrance of his property. It is really truly extraordinary that he purchased this. With that being said, he has submitted a lot of stuff and he knows his fellow neighbors have all signed the petition. He is asking the Commission to deny it based on the landlock. If you can't get past the entrance of a two lane road with no sidewalks and Council has already denied this application, what is the point in even being here again?

Mr. Luke Siler – 330 Wyoming Avenue Dover, DE 19901

Mr. Siler stated that he is a neighbor and is located adjacent to the property. He wants to reiterate that there is from a visual and from just walking in the neighborhood, it does just look very difficult to make an appropriate entrance. He just worries about how that could impact the community. If these things can be addressed, he is definitely open to that. They love having neighbors and we want to have good neighbors but they do just hope. They are encouraged by your interest and the care of the Commissioners and them wanting to address the logistics and the properness of this development if it were to go forward.

Mrs. Cassandra LeBoon (virtual) – 1025 Westview Terrace Dover, DE 19901

Mrs. LeBoon stated that she first wants to thank the Planning Commission for continuing this matter previously so that the engineering reports could be completed. Those reports confirmed many of the concerns that residents have been raising for years regarding flooding, drainage, and infrastructure limitations in this area. It is also a concern that the project wants to go forward before any of the infrastructure work that Mr. Lyon referenced is completed. Her first concern is that the applicant's own modeling shows the drainage system is already operating near capacity. (Note: The applicant of SB-25-0 did not complete the drainage study being referenced. This is the Woodbrook Drainage Improvement Study completed by a consultant for the City of Dover.) The Report documents surcharge conditions, submerged structures, and crossing that are close to full hydraulic limits. Residents already experience flooding concerns and these findings show the system is already under stress before additional development is added. Second, the Report shows that there is almost no meaningful reduction in peak stormwater flow. The modeled inflow and outflow are essentially identical which suggests that the system is functioning mostly as a conveyance system rather than significantly reducing downstream runoff. This is very concerning with the downstream infrastructure is already strained. Third, there are major roadway and safety concerns. Residents remain concerned that there is not enough room for safe two way traffic, parking, sidewalks, and proper emergency vehicle access. These access concerns have existed for years and were part of previous denials and variance issues involving this property. Additionally, the property seeking development sits above the residences on Westview Terrace which means at any downflow would come onto Westview Terrace. Fourth, this proposal has been brought before City and related areas many times over the years and the same fundamental issues continue to remain unresolved: flooding, drainage, access, infrastructure, limitations, and development feasibility. Residents continue to spend substantial time and resources responding to repeated applications involving substantially similar concerns. Also, many residents were told during the purchase of their own homes, that there would never be any building behind them in the field. They were told this by their real estate agents. Finally, she

would like to ask the Commission to seriously consider preservation of this corridor as protected open space instead of additional residential development. This land already serves as important natural drainage and a stormwater absorption function within the watershed. Preserving it as open space would help reduce flooding risk, protect nearby homes, preserve natural drainage flow paths, and avoid major infrastructure costs. The area also supports local wildlife and natural habitat that would be permanently impacted by dense population development. In addition, Dover already has limited remaining green space, especially within the established residential areas. Once open land like this is developed, it is gone permanently. Preserving this corridor would help protect one of the few remaining natural green spaces in this part of the City while also supporting environmental stability, wildlife habitats and the overall quality of life for surrounding residents. For all of these reasons, she respectfully asks the Planning Commission to make a motion to deny the application with prejudice. As a final note, she would like to mention that the owner has either been unwilling or unable to maintain the property including cutting the grass and making sure that the field is in proper condition. We as residents are highly skeptical that the surrounding development which includes her neighborhood, would not be taken care of or will be taken care of properly. With that all of their ascertains and their saying that they believe that this is how it's going to be, that they are just saying that to get this through and they have no intention on following through.

Ms. Heather Mund, POA and Trustee for Robert Engles – 420 Wyoming Ave Dover, DE 19901

Ms. Mund stated that she is representing the corner property at 420 Wyoming Avenue that corners Westview Terrace. She wants to start by saying that it has been very difficult to hear most of this, but she did hear what Mrs. LeBoon said and she echoes entirely what she said. As it was told to them at the time of purchase of the property, the land was zoned for farmland and/or horses and at the time, there were horses there. They were concerned only because we didn't know what would be going on with that property before we moved in. After we moved in, there were issues with proper drainage and it was causing water intrusion and things. They had serious problems. She is really concerned about what they are evaluating and what they are able to say that they think they can handle this when without this work being added on. It's already been a problem in that area. She doesn't know how this property can withstand it.

Mrs. Melson-Williams stated that she wants to enter the various comments into the record. Beginning with Public Comment Set #1, these were comments received through September 15, 2025 at noon. They were made part of the packet but she will summarize. First, was an email from Steve LeBoon of 1025 Westview Terrace and it also had attachments to it. Email #2 was an email from Joan Sipple of 1139 Westview Terrace received on September 6, 2025. And completing that set was Item #3 which was a letter of support from Mike Glick, property owner of 850 New Burton Road that was received on September 15, 2025. Public Comment Set #2 dates to May 8, 2026 at noon and it was those items received by the time of packet distribution. The item there is an email from Steve LeBoon that we received on May 7, 2026. It includes a letter of opposition of the same date and it had a photo link which she believes Mr. LeBoon showed this evening and then a couple of video links of flooding activity examples in the area. Public Comment Set #3, also of May 2026. These were comments received through May 15, 2026 at 3PM. These were distributed to the Planning Commission electronically after the receipt and this consists of a series of five items. The first being an email from Dan and Joy Bieker of

1033 Westview Terrace received on May 8, 2026. The next item was an email received on May 9, 2026 at 11:27AM that included a screenshot of Davee Lees comments on the project. Email #3 was also from Steve LeBoon received on May 9, 2026. It had two attachments, the original letter of opposition that he sent on May 7, 2026 and then a letter specifically talking about opportunities for open space dated May 9, 2026. Email #4 is again from Joan Sipple of 1139 Westview Terrace received on May 12, 2026. Email #5 is also from Steven LeBoon dated May 14, 2026 and it was in response to him receiving information from FOIA Request #2026-186: Drainage Improvement Engineering Support for Woodbrook Development with attachments. Attached to this email was a copy of letter of March 16, 2026 from Davis, Bowen & Friedel, Inc. to the City of Dover Department of Water & Wastewater. That letter was already part of the Commission's packet and then Mr. LeBoon also attached the Reports on HydroCAD Modeling associated with the existing conditions as prepared by Davis, Bowen & Friedel, Inc. and also the proposed conditions of areas. Both of those are in total, 160 pages of engineering information and evaluation related to the Woodbrook Drainage Improvement Study. The full document is on file in the City's Planning Office and the City's Department of Water/Wastewater and Engineering Services for those two HydroCAD Modeling runs. The last set of Public Comments is labeled as Set #4 also dated May 2026 and these were received through 1PM today: so, they are emails that were received over the weekend. The first item is an email from Steve LeBoon of 1025 Westview Terrace received on May 17, 2026 and it included the attachment Petition of Opposition (listing 16 properties with signatures). Email #2 appears that it is the same email other than the distribution included additional individuals, but it includes the attachment of the Petition of Opposition. Email #3 also from Steve LeBoon received at 1:26PM this afternoon, was again, that Petition of Opposition but it included an additional signature for the people who reside at 135 Crescent Drive. Set #4 was provided to the Commissioners on their desks this evening.

Mr. Witham closed the public hearing.

Mr. Witham asked if the Planning Commission does not act on the waiver, would it also still be considered by City Council. Responding to Mr. Witham, Mrs. Melson-Williams stated that regarding a Subdivision Waiver, the *Land Subdivision Regulations* suggest that the Planning Commission makes a recommendation and then City Council has final action on that. If the application were to move forward and you were not to act upon the waiver, we would have to report that to City Council. Otherwise, the plan would have to comply with the Code regarding the percentage of lots on the cul-de-sac.

Mr. Lewis asked if we could move forward without acting on the waiver. Responding to Mr. Lewis, Mrs. Melson-Williams stated that you could; but it probably is in the best interest of the application and she would refer to the City Solicitor, that you would take some action in regards to that specific request.

Mr. Griffith stated yes, if there is an application pending, there should be some action taken on the application whether it's recommended in favor or recommend against. Or you can be more creative and recommend that you take no official action. It would not be of any aid to the applicant or City Council and would pretty much obviate the need for Planning Commission if you take no action.

Mr. Lewis stated that he is trying to say that he voted to move forward in September. He was one of the two to move forward in September. Now I'm looking at a Report that says the proposed Lots 1-5 are outside the Flood Hazard Area and that if it gets to the second step then the Kent Conservation District is going to make them do their stormwater management plan after that. but it's dependent on our vote tonight. Is that correct? Responding to Mr. Lewis, Mr. Witham stated yes, that's correct.

Mrs. Denney stated that her understanding of this and she was retired for a little bit before she took this position, but she doesn't think it's changed much. If they open the gate then this will definitely as they move forward, go through all of the necessary reviews up and down the line with Kent Conservation District being a major one. As you might imagine, they are always backed up and it has to go through certain steps before they will address it just like DelDOT; they don't want to hear from you until you are actually putting the blueprint in the machine kind of deal. Responding to Mrs. Denney, Mr. Witham stated that he thinks she is correct. This is just a hearing on the Conceptual Subdivision Plan. It will have to go for a full review process. The next step will be a preliminary review of the Subdivision Plan itself and then a final review. The only exception that is before us is the Request for a Waiver on the cul-de-sac. Otherwise, there is no objection to the DAC comments at all; so, he believes that the applicant would have to comply with the DAC comments as well if we move forward.

Mr. Lewis moved to approve SB-25-02 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision) Conceptual Subdivision Plan to include approval of the waiver with the percentage of the lots in a cul-de-sac, seconded by Mrs. Denney and the motion was carried 6-2 with Mr. Baldwin absent. Mr. Lewis voting yes; this is step 1 of at least 3 and given the fact that he wanted to move forward in September and now that they have some more information which would seem to indicate that as of right now, Lots 1-5 are outside of the Flood Hazard Area. Mr. Roach voting yes; for reasons previously stated. He just feels as though it is beneficial and like he has said before, when it comes down to the application presented, whether we have road blocks or not, he feels as though this would be beneficial to the City. Mrs. Denney voting yes; she feels strongly that based on what we are hearing from Kent Conservation (District) and her little bit of conversation with Mr. Lyon. She really feels that it is not appropriate for them to say you can't do anything on those lots. The road is going to be designed and they will be on a cul-de-sac. Along time ago, she once got into an issue where they were accused of takings. What were we going to say; you can't do anything with those lots forever? She thinks the appropriate thing to do is approve this motion and allow it to go through all of the next steps and then be voted on again by what would be the Council. Mrs. Maucher voting no; she is not in support of the waiver request. Dr. Jones voting yes; for the reasons previously mentioned. Mr. Reaves voting no; based on the fact of the opposition from the residents in that area and also based on the fact that this Flood Plain Area goes through extreme flooding. He also votes no based on the percentage of the dwellings in the cul-de-sac; exceeding that is problematic for our Code and it opens up the door for exceeding the limits that we have set. Mrs. Welsh voting yes; based on the information from Davis, Bowen & Friedel, Inc., the letters from Mr. Glick, and the other gentleman in favor of the positive things that could happen from this development and the information from Mr. Lyon that was received tonight. Mr. Witham voting yes; stating that this Commission has no authority to deny any application with prejudice. He votes yes as he thinks this matter is just at

the preliminary stage. He would raise some questions with respect to the concept itself, but it is not sufficient to say no to the application itself. He thinks that what he has heard tonight, given all of the comments that were presented by Mr. Lyon, this Conceptual Plan should go forward for further review and with respect to the waiver, he votes no because he is not satisfied that the applicant has met requirements.

NEW APPLICATIONS

C-26-03 Little Caboose Child Care - Public Hearing and Review of Conditional Use Site Plan Application for construction of a 9,417 SF Child Day Care Center to be known Little Caboose Child Care and Learning Center and associated site improvements. The property is 2.259+/- acres of land located in the Enterprise Business Park. The property is currently zoned IPM (Industrial Park Manufacturing Zone). The property owner is Atlantic Dawn Properties of Dover LLC. Address: 229 Beiser Blvd. Tax Parcel: ED05-076.15-01-03.08-000. Council District 2.

Representative: Ms. Kimberly Bryda, The Little Caboose; Mr. Julian Pellegrini; Pelsa

Mrs. Melson-Williams stated that C-26-03 is a Conditional Use Site Development Plan. It is for The Little Caboose Childcare and Learning Center to be located at 229 Beiser Boulevard. Their plan image shows a tract of land on the west side of Beiser Boulevard at the eastern portion of Beiser Boulevard. The individual lot that we are dealing with is 2.259+/- acres. It is currently zoned IPM (Industrial Park Manufacturing Zone); however, the City's *Zoning Ordinance* places child daycare facilities in all zones subject to certain review processes. In this case, a child daycare center, that is one serving more than 13 children, is a Conditional Use before the Planning Commission. The property that is presented here has a driveway access point which leads down to the parking area. The building faces that parking lot area and is surrounded by a fenced area that will be their play facility access. Parking for a child daycare facility is based on the number of adult attendants and the number of children that they are hoping to serve. The applicant has verbally indicated to us that they hope to serve 188 children with 40 staff. That means that 59 parking spaces must be provided and their plan currently shows 61 spaces. As part of this project, they will be required to provide bicycle parking as well as sidewalk along the street frontage of the site. The next image gives us a sense of the tree plantings for the property. They are required to have a total of 33 trees on site. They are using a number of them in the southern portion of the property to screen the parking lot and their dumpster enclosure which is down in that area. It is a mix of trees in parking lot islands and then other open areas on the site. The next image is an exhibit that shows the location of the planned sidewalk. It is shown in red which would extend sidewalk along the entire frontage of Beiser Boulevard for this parcel and then also bring a connecting sidewalk from that street frontage location into the site near the building's main entrance. With this project, there are no specific waivers that are sought. The Report does talk about some minor plan fixes. The Planning Office noted the importance of pedestrian connectivity and they are recommended probably some crosswalk markings where that sidewalk crosses the drive aisle coming into the site and to make sure that they have the appropriate locations of the accessible ramps for the location. The Development Advisory Committee Report continues with the various other agencies providing comments including the Department of Public Works and the Department of Water/Wastewater. Beiser Boulevard is a City street so they will be reviewing the entrance design. There were some comments about the

width of that entrance that she thinks they are going to be looking at refining. The Electric Department has provided comments as has the City's Fire Marshal's Office. The Fire Marshal's Office will be looking at a number of things on the site from a fire protection planning perspective as well as interior to the building. A child day care center such as this is required to have a sprinkler system under the adopted Fire Codes for the City. Other agencies providing comments include DelDOT. They will have to do a preliminary meeting with them because Beiser Boulevard ultimately leads to a State maintained road, so they want to make sure that connection is appropriately designed as well. The Kent Conservation District has provided comments. This property is part of a larger, more regional stormwater facility for the Enterprise Business Park, so they will be looking at some of the provisions for that. Also, the Dover/Kent County MPO provided comments. They are encouraged to see the sidewalks and hopefully the bike rack. They have also noted the proximity of some DART bus stops in the area that may also serve this location.

Ms. Bryda stated that she is the owner of The Little Caboose Childcare and Learning Center and for over 21 years, our facility has served the children and families of the greater Newark community. We are seeking approval to expand to 229 Beiser Boulevard. She is also the President of the Board of Directors for the Delaware Association for the Education of Young Children. If you are unfamiliar with our organization, we are the largest advocacy group for early childhood education in the State of Delaware. We collaborate with community partners and work with legislators to ensure that we are expanding access to quality affordable childcare options to Delaware families. It is worth noting that Dover is considered a childcare desert and what that means is that in Dover there is one childcare slot available for every five children needing care. The Little Caboose has been designed to have a 9,400 SF building with a projected capacity to serve 188 children and bring 40 new jobs to the area. We will also have a 14,000 SF playground that will be broken down into three sections: for an outdoor classroom, a large play area for older children, and then a small toddler play area. We plan to serve children from 6 weeks up to Pre-K with before and after care coverages available. We also partner with high school pathways and institutions of higher learning such as Wilmington University to offer on the job training and practicum hours. We have support from both the Department of Education and the Office of Childcare Licensing to expand our operations so they sincerely hope that the Commission sees the value in this project and that you share our excitement to serve the Dover community as well. The pictures shown on the screen are actually of our current facility in Newark, DE and that is what we will be replicating here as well.

Mr. Pellegrini stated that there is not too much to add but they will answer any questions that the Commission has. This Plan was recorded and approved as a pad site so a lot of the features like stormwater or traffic concerns like that have already gone through an approval process. We are merely adhering to that. For instance, the parking lot is being graded to adhere to the existing catch basins that are collecting water and moving it to the stormwater pond up north.

Mr. Witham asked if they agree with the DAC comments. Responding to Mr. Witham, Mr. Pellegrini stated yes.

Mrs. Maucher asked if they were supportive of the comments from Staff regarding the internal activity with the crosswalks and internal pedestrian activity. Responding to Mrs. Maucher, Mr.

Pellegrini and Ms. Bryda stated yes.

Mrs. Denney stated that when the parents come in the morning, does whoever brings the child must get out of the car and bring them inside and hand them off to somebody? There are a couple of school locally where the parent can pull up and there are teachers or aids on the sidewalk and they will help the child out of the car and into the building. Will this be a situation where the parents get out of the car and come into the building? Responding to Mrs. Denney, Ms. Bryda stated that as they do currently, that would be the expectation that the parents would park their car, walk their children in, correspond with their teachers and talk about their day and they would drop their child off.

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

Mrs. Welsh moved to approve C-26-03 Little Caboose Child Care for the daycare center to be known as the The Little Caboose Child Care and Learning Center, seconded by Mrs. Denney and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent.

Mrs. Melson-Williams asked if Staff could confirm that the motion maker is also referring to the DAC comments for this application in your recommendation for approval. Responding to Mrs. Melson-Williams, Mrs. Welsh stated yes.

Mrs. Welsh moved to approve C-26-03 Little Caboose Child Care for the daycare center to be known as the The Little Caboose Child Care and Learning Center to include the DAC comments, seconded by Mrs. Denney and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mrs. Welsh voting yes; she thinks that it is a great use of the property and she knows exactly where that is and she thinks it is a good use for that space. Mr. Lewis voting yes; for reasons previously stated. Mr. Roach voting yes; he feels as though as she said in her presentation, there is a great need in regards to child care in our city so this is a welcomed addition. Mrs. Maucher voting yes; based on DAC comments and again, it is a great use of the property and she is glad to see something going there finally. Mrs. Denney voting yes; she thinks that it is an excellent project and the leadership there as a company has proven their way and she also thinks that this is something that is sorely needed in our community and a good one with outside facilities to play. She thinks it's an excellent project. Dr. Jones voting yes; for reasons previously stated. This is very much needed for our little darlings. Mr. Reaves voting yes; for reasons previously stated. Mr. Witham voting yes; based upon what he heard before the Commission this evening and based upon the DAC comments. The use is appropriate for the neighborhood and it will definitely have a good impact for the orderly development of the surrounding area.

S-26-09 Warehouse Buildings at 118 Galaxy Drive - Public Hearing and Review of Site Development Plan Application for Lot 13 in the Kent County Industrial Park at 118 Galaxy Drive. The application proposes three (3) storage warehouses of 9,900 SF +/- each and associated site improvements. The property is 6.45+/- acres of land located in the Kent County Industrial Park (AeroPark) located off Horsepond Road. The property is currently zoned IPM (Industrial Park Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone)

– Noise Zone B. The property owner is RAH Realty LLC. Address: 118 Galaxy Drive. Tax Parcel: ED05-087.00-01-07.13-000. Council District 2. *Waiver Request: Elimination of Sidewalks along Horsepond Road and Galaxy Drive. For Consideration: Performance Standards Review Application.*

Representative: Mr. Ron Sutton, Civil Engineer Associates

Mrs. Melson-Williams stated that this is a Site Development Plan for the property at 118 Galaxy Drive. That is known as Lot 13 in the Kent County AeroPark. The lot is 6.45+/- acres of land. It is zoned IPM (Industrial Park Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone) – Noise Zone B. They are proposing a series of three buildings but first here are the existing conditions on the site. The western portion of it is wooded and there are wetland areas. There is an existing Wireless Telecommunications Facility on the property close to Galaxy Drive. The project that is proposed is a series of three buildings flanked by parking and loading zone areas off of the main entrance drive. The property does also have frontage on Horsepond Road; however, there is no direct access to Horsepond Road. Everything comes in off of Galaxy Drive which is where the internal streets are at the AeroPark. Their entrance is being proposed basically at the terminus of Galaxy Drive so they will have to be doing a little bit of street improvements to the right-of-way there as they create the entry onto their property. As noted, it is in the IPM (Industrial Park Manufacturing Zone) so uses are governed by that and uses also governed by the AEOZ (Airport Environs Overlay Zone). These are kind of spec build for a warehouse where is could be multiple tenants in a building or a single tenant. We will know in the future but any of those uses have to comply with the *Zoning Ordinance* provisions. They are providing parking and that is shown on the site in addition to at least one side of the building serving as the loading area where there will be opportunity for rollup doors. The property will be required to have bicycle parking and tonight they do have a Waiver Request related to sidewalks. They are seeking elimination of sidewalks along both Galaxy Drive and Horsepond Road. Their request outlines that there are not sidewalks in the immediate vicinity along both of these roads. She will note that while they are asking for a Waiver of both of those sidewalks, DelDOT controls the responsibilities related to sidewalks along Horsepond Road. So even if you voted in approval of such elimination, they would still be subject to review with DelDOT and DelDOT could say that they need to be installed. With tree planting, they are looking to preserve most of the woodland onsite. There is some minor clearing and they have additional tree planting requirements that will be met by other tree planting onsite. The next image on the screen shows the trees collectively placed in the open space areas and then in some other cleared areas of the site. To the west of their entrance drive that comes onto the property is a what is going to be designed as some type of dry stormwater management or limited detection stormwater management pond area so it is not constantly wet. There is also an opportunity to the west of that for tree planting areas. Because this is in the IPM (Industrial Park Manufacturing Zone) it is required to present to you the Performance Standards Review. Basically, they have included a letter statement that goes through all of the objectionable elements and identifies whether their project would cause any such of those items to occur. The DAC Report continues with the other agency reviews from the Department of Water/Wastewater, the Fire Marshal's Office, the Electric Department, the initial comments from DelDOT, and the Kent Conservation District.

Mr. Sutton stated that Mrs. Melson-Williams really doesn't give us much opportunity to make

much of a presentation. To talk about the sidewalk waivers, there are no sidewalks out here on the frontage of Galaxy Drive at all. If you were to look at an aerial image, it doesn't exist. Same thing on Horsepond Road, there are not sidewalks. That is why we are requesting the waiver. When we received DAC comments, they actually came to the DAC Meeting and we actually revised a lot of our plan to address a lot of the DAC comments. We added the curbing. We added the sidewalks onsite for clear access along the buildings and along the entrance road. We added the clear spaces in front of the buildings for the Fire Marshal at the doors. We added the loading berths, bicycle parking, a T-turnaround at the end for the Fire Marshal, and the requirement by Kent Conservation District to not have a wet pond. They wanted us to have a dry extended pond so that we don't have any waterfowl in the area. We adjusted our parking to meet all of the parking requirements and removed some landscaping out of this existing drainage easement next to the newspaper even though they have trees and stuff in that drainage easement as well.

Mr. Lewis stated that he wanted to echo the statements about the sidewalks to not be necessary. A couple of decades ago, he spent several years at the State News and to say that there is no pedestrian traffic, is the understatement of the year. So he doesn't think it's an issue.

Mr. Witham stated that he has been out there himself on occasion and you are absolutely correct.

Mr. Witham opened a public hearing.

Mr. Zach Prebula – Kent Economic Partnership at 555 Bay Road Dover, DE 19901

Mr. Prebula stated that they are the Economic Development Organization for Kent County so we focus on business attraction and also businesses looking to expand here. This property is within what is commonly referred to the East Dover Industrial Area which typically sees a lot of demand for industrial uses here and gives a lot of opportunity to create jobs. What is important is to make sure that our supply inventory continues to match that demand so that we continue to have sites to attract these businesses, help local businesses expand and create jobs here. They ask the Commission to please support this project.

Mr. Witham closed the public hearing.

Mrs. Maucher moved to approve S-26-09 Warehouse Buildings at 118 Galaxy Drive inclusive of the sidewalk elimination waiver request and also approval of the Performance Standards Review Application, seconded by Mr. Lewis and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mrs. Maucher voting yes; based on DAC and Staff comments. Dr. Jones voting yes; for reasons previously stated. Mr. Reaves voting yes; for reasons previously stated. Mrs. Welsh voting yes; for reasons stated in the motion. Mr. Lewis voting yes; for reasons previously stated. Mr. Roach voting yes; for reasons stated in the motion. Mrs. Denney voting yes; she thinks that this is yet another great project for that area. Mr. Witham voting yes; based on the DAC comments and Staff comments. It's appropriate for this particular area for this development to take place.

NEW BUSINESS

Presentation on Senate Joint Resolution 8 (SJR8) - DSHA Technical Assistance for

Housing and Land Use Reform program

Mrs. Melson-Williams stated that this is presentation on Senate Joint Resolution 8 (SJR8), which is the Delaware State Housing Authority's Technical Assistance Program for Housing and Land Use Reform. Mrs. Townshend will explain how we got here with the presentation this evening.

Mrs. Townshend stated that in this capacity, she is actually a technical assistance provider being paid for by the State of Delaware. Basically, Dover is one of nine jurisdictions participating in the SJR8 process. The agenda that she will go through tonight is that we will talk a little bit about the background, how we are approaching a process, the Housing Resources Committee, who the other participating jurisdictions are, get a little bit about how the issues of affordable housing affect Dover, the chosen reforms, and the next steps. The General Assembly created an Affordable Housing Task Force and that Task Force included representation from local governments. Basically, they generated a report and said one of the barriers to affordable housing is local zoning. Based on that, the Senate introduced and both bodies passed SJR8 which basically instructed the Delaware State Housing Authority to hire technical assistance providers to work with municipalities or jurisdictions that voluntarily applied to work on zoning reform. We keep saying zoning reform, but it's basically land use reform. We are going to be looking at process and we are going to be looking at subdivision; zoning is kind of the umbrella. Basically, Dover is one of the jurisdictions that applied to participate. Our approach started off with a kickoff meeting with the Delaware State Housing Authority and then a kick off meeting with the City of Dover. We have built an Excel workbook that we are populating with basically pulling information out of your Code, looking at the development process, and looking at anything that could add time or money to developing housing. From that, we will identify barriers to affordable housing. When the City applied, they identified several strategies that they were interested in considering so we will match those barriers with appropriate strategies and then we will have a public meeting. There will be a public workshop soon so that we can get feedback from the public. Once we get that feedback, we will move into drafting ordinances and again, we will check in with the Commission and City Council at that point as well. We will draft Ordinances to include companion sheets on the Ordinances so that they are easier to understand language. And then we'll hopefully get through the process of actually having some adopted changes. This process is anticipated to be about a twelve-month process. We started in March so we are a couple months in.

The Housing Resources Committee (HRC) is a somewhat of an informal group that meets monthly with the technical assistance providers and the Delaware State Housing Authority. They will be helping with the broader statewide outreach on this. They will be bringing perspectives from their agency. We have a representative from DNREC, DelDOT, Ms. Sarah Keiffer from Kent County Planning, someone from New Castle County Planning, and someone with a background in municipal planning; so it is a pretty well rounded group. Basically, every other month the jurisdictions will also participate where we will have Mr. Lyon, Mrs. Melson-Williams and other City staff there that are available. We will kind of do some training on a topic and in that training, the idea would be to come back and relay the information to the Commission. There are nine jurisdictions participating. There are three technical assistance providers. She is with Rossi Group and we are working with Newark, Dover, Lewes, and Laurel. Smart Growth America, which is a national non-profit that does technical assistance but they

also they are one of the research or best practice groups out there. They are working with Milford, Rehoboth Beach, Georgetown, and Bridgeville. McCormick/Taylor, who Sussex County used for their Land Use Reform Working Group process, is working with Sussex County. Three technical assistance providers have already started and they are collaborating on a regular basis. We are trying to make sure that they are sharing information among ourselves so that they all have the benefit of consistency for all of the participating jurisdictions. The next slide shows affordability in Delaware and in Dover. Basically, what these lines show you is in Delaware and the U.S. around 30% of homeowners are cost burdened. And by cost burdened, we mean you are exceeding 30% of your gross monthly income for housing and utilities. Renters are over 50% for cost burdened. What these lines don't show you is that we are having fewer people making that transition from renter to homeowner. In 2025, 21% of home purchasers were first time buyers which are an all-time low. Additionally, the median age of a first time buyer is now 40-41 when it used to be in the 20's. What we are seeing is that we have people who are in rental housing who are cost burden, many of them are extremely cost burden and that's a larger percentage of our population than it once was. She thinks that we all know, but this is a source through Zillow that shows us that once we hit 2020, prices went up significantly. It shows that we are tracking lower than the State and lower than the National, but we are still in that upward trend for purchase. For rentals, the average rent in Dover is \$1,800 a month and the average rent for a one-bedroom apartment is \$1,450 a month. Those numbers don't connect well, so there's a gap. The idea of it is that there is not enough to buy. Certainly, she thinks Dover has done its part. We have quite a bit of development of apartment construction underway, but if you look more regionally it is just not there. 53% of households in Dover are renter occupied and 47% are owner occupied. That is a little higher on renter than many of the other communities. The City has always had a priority on, in addition to supporting the rental market to, also be working on homeownership. Some of the strategies that we will look at will support some of that homeownership as well. Shown on the screen in orange is owner occupied and green is renter occupied. What you see is that we have a lot of owner occupied single family detached, some renter or owner occupied attached and then we have the larger apartment complexes. Where you see that dip in the middle, interestingly enough is known as the "missing middle" and that is the idea of duplexes, townhouses, small apartment buildings and not necessarily a complex. Also there is different triplexes and other ways of doing things that aren't either an apartment complex or a single family detached. That is where there tends to be some opportunity. The next slide shows the Inflow/Outflow of residents and where they live and work. What you see in that overlapping of the two circles, those are the people who live and work in the City of Dover. The big green circle, are the people who are employed in the City but come from elsewhere. The lighter green circle is the opposite; they live here and go elsewhere for work. What you see is that we have a lot of people who don't live in Dover but come here for work. The idea is that we have housing near where people are working; there are a lot of community benefits. The next slide shows content from this was in a presentation that Fuller Center for Housing gave to the Council Committee of the Whole. The reason that she included this is basically to show that the things that we are considering in this process are very much similar to the things that all of the housing experts are talking about. The Chosen Reforms that were in the Resolution that City Council passed include: to allow ADUs, which are Accessory Dwelling Units and/or "missing middle" housing types as permitted in residential zones. What is interesting is that she thinks we are getting 2-3 inquiries at this point about what our rules are on accessory dwelling units. Our rules right now are that they are not allows. We have recognized for a while that this was

coming. She thinks that we all know that the staffing situation hasn't really allowed them to focus on that. So now with this, we can address that. Increase buildable density for housing by reducing minimum lot sizes and bulk standards. Mr. Llewellyn was here earlier this evening for the open space for those four townhouses on the corner of Cecil and West Street. He had to get variances to be able to build. One of the things that we are looking at is if we are granting variances to do what we want people to do and what collectively as a community do they think it is the right thing to be doing, then maybe we need to look at adjusting those lot sizes so that people don't have to jump through hoops. So, that will be one thing that they look at. Establishing an inclusionary zoning program to address affordable and workforce housing needs; this one is a bigger load. This is the idea of building 100 units then maybe 15% of them need to be affordable to low or moderate incomes. That takes a lot of administration but it is something that has worked well in past across the County and it is pretty standard in places, our neighboring State included. Then it is about allowing higher density, mixed-use with residential in commercial zones or employment centers. Again, we are seeing some of that. We have apartments being built on Leipsic Road that are in the SC-2 Zone. Again, Dover has embraced some of these things. There are additional Reforms that we, as the City, did not include in our application but that doesn't mean that they are off the table. As we get into identifying those barriers and we go out to the public, we come back to you. If some of these other things are something that you want them to look into a little more and maybe have a discussion about, those things are possible as well.

Basically, what she is looking for from the Commission and from City Council is based on what you know at this point in time, what are the things that are on this list that you support, oppose or don't know enough about to make a decision? She is going to ask Mrs. Melson-Williams to send a link to the form and you can fill that out. They will report it back to you, but this is just so that they can as they go through the process of identifying the possible solutions and so that they can kind of get a sense of where everybody is on these things. They don't want to spend a lot of time chasing down something that really doesn't have the support.

Mrs. Maucher asked what is inclusionary zoning? Responding to Mrs. Maucher, Mrs. Townshend stated that the inclusionary zoning is where you have developments of a certain size where a certain portion of those units would need to be set aside for low to moderate income.

Mr. Lewis asked if he could assume that the second bullet there is the national average. Responding to Mr. Lewis, Mrs. Townshend stated that \$1,800 is not based on bedrooms. The \$1,450 is in Dover for a one-bedroom. Basically, the idea here is showing that if you are one person, you are still looking at \$1,450 a month. She thinks we all know that not all jobs pay enough to be able to afford that.

Mr. Lewis stated that on the next slide, by his math, that is 1,020 unoccupied houses. Are there any statics on that? Are they mostly apartments? Are they the complex still being built on Leipsic Road? Responding to Mr. Lewis, Mrs. Townshend stated that this is based on the 2024 American Community Survey and it's a five-year average per the U.S. Census. Vacant can be many things; it can be vacant. We have a Vacant Building ordinance, and we have places that are registered. It could be somebody's second home if they claim primary residency somewhere else. So for instance, if you are here part time and in Florida part time. It can be a lot of things, but it

isn't unfinished units. She doesn't think that there is an issue of vacancy in existing apartments because that just doesn't exist today.

Mr. Lewis stated that vacant doesn't necessarily mean if failed. Responding to Mr. Lewis, Mrs. Townshend stated exactly. If you look at the beach towns, they've got a very high vacancy rate. It's doesn't mean that they are available, they are just not a primary residence. Mrs. Maucher on the inflow and outflow of workers, is the inflow primarily because the legislature and the government function? Responding to Mrs. Maucher, Mrs. Townshend stated that she suspects that it is.

Mrs. Maucher asked if that was stripped away, is there a way to look at that data to see how that flow would be? Responding to Mrs. Maucher, Mrs. Townshend stated that she doesn't know because again, this is what we get from the Census. But again, when you look at it, she doubts that it is your actual legislators but it's your state employees who work here and drive in from elsewhere. Ideally, we would be able to have a larger portion of the people who work in Dover live and in Dover.

Mr. Witham stated that his only concern about all of this and he supports this position with Dover getting involved, but his concern is about how much this local concern is going to be taken over by the State. Is that part of your study? Responding to Mr. Witham, Mrs. Townshend stated that it's not. She thinks that you have probably seen that there is a Bill in the General Assembly that's pending that would require municipalities and counties to have a much stronger enforceable component of the *Comprehensive Plan* that deals with affordable housing. Potentially if local governments did more to be ahead of it, the State might not take that approach. She thinks what she has heard from legislators is, the information has been out there and zoning has been largely recognized as a barrier to housing affordability. There has been little movement at the County and Municipal level. So, that's where the push from the State comes from. It would be nice if we could get through this and see where we can get it before the State took a different approach.

Mr. Witham stated that he wants to draw your attention to the article that just happened to appear in the Wall Street Journal this morning about the controversy in Chicago about this same issue. He is neither pro or con; he is just simply saying that it's out there and it depends on what happens with what we tend to do here. We are either going to get public support or public opposition.

Mrs. Townshend stated that she will be back to the Commission reporting information as they move along.

PUBLIC COMMENTS OPPORTUNITY

There was no one wishing to provide comments.

Meeting adjourned at 9:52 PM.

Sincerely,

Kristen Mullaney
Secretary