



**CITY OF DOVER, DELAWARE  
PLANNING COMMISSION  
Monday, September 16, 2024 at 7:00 PM**

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*City Hall Council Chambers, 15 Loockerman Plaza, Dover DE*

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**AGENDA**

Written comments are accepted via mail to City of Dover – Planning Commission, P.O. Box 475 Dover DE 19903 and via email at [CompPlan@dover.de.us](mailto:CompPlan@dover.de.us).

**IN-PERSON and VIRTUAL MEETING NOTICE**

The Planning Commission Meeting for September 16, 2024, will be held as an In-Person Meeting at City Hall in City Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using Webex, an audio video conferencing system as an electronic means of communication. See participation information below to join by phone or computer.

**PUBLIC PARTICIPATION INFORMATION  
City of Dover Planning Commission Meeting of September 16, 2024**

**Join by Phone:** 1-650-479-3208

**Access code:** 253 795 65200 (Password: 3683772)

**Join Online:** <https://bit.ly/PCMeeting9162024>

**Webinar Number:** 2537 956 5200

**Webinar Password:** DoverPC

If you are new to Webex get the app now at <https://www.webex.com/> to be ready when the meeting starts. For problems accessing the meeting, please call the Planning Office at (302) 736-7196.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ADOPTION OF AGENDA**

**APPROVAL OF MINUTES**

1. Adoption of Minutes of August 19, 2024

## COMMUNICATIONS & REPORTS

**Meeting Reminder:** The next Planning Commission regular meeting date is October 21, 2024 at 7:00PM.

### Update on City Council Actions

The following Planning Commission Member was appointed at the City Council Meeting of August 12, 2024 for a Three-Year Term to Expire June 2027: Michael W. Lewis - Third District.

### Department of Planning & Inspections Updates

## SPECIAL RECOGNITION

2. Resolution honoring the service of Mr. Chris Cooper to Planning Commission

## OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

## OLD BUSINESS

### Requests for Extension of Planning Commission Approval

## NEW APPLICATIONS

3. AX-24-01 Lands of Byler Investments, LLC at 139 Acorn Lane - Public Hearing and Review for Recommendation to City Council of an Annexation Request and Rezoning Request for a parcel of land totaling 14,494 SF+/- located at 139 Acorn Lane. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed Zoning is R-10 (One Family Residence Zone). The property is located on the west side of Acorn Lane between South Hancock Avenue and Shadybrook Drive. The annexation category according to Dover's 2019 Comprehensive Plan is Category 1: High Priority Annexation Areas and the land use designation is Residential Medium Density. The property owner is Byler Investments, LLC. Property Address: 139 Acorn Lane. Tax Parcel: ED-00-068.19-01-23.00-000. Proposed Council District 3. Ordinance #2024-28. *The First Reading of this Annexation Request was completed on August 12, 2024. Public Hearing before the Planning Commission is scheduled for September 16, 2024 and City Council on October 14, 2024.*
4. C-24-02 Luther Village IV: Planned Neighborhood Design - Senior Citizen Housing Option on Babb Drive - Public Hearing and Review of a Conditional Use Site Plan/Master Plan for the development of Luther Village Planned Neighborhood Design – Senior Citizen Housing Option consisting of up to 524 age-restricted apartment units in a total of nine phases. The Master Plan was previously established by Applications C-02-02 and C-13-03 and Luther Village Phases I, II, and III have been constructed. The plan for Phase IV consists of the construction of a three-story apartment building with 72 units (age-restricted) and associated site improvements. The plan also includes a Minor Subdivision to create a 2.79 acre+/- parcel for Phase IV from the overall 33.63 acre +/- tract. The property is zoned RG-2 (General Residence Zone). The property is located east side of John Hunn Brown Road and on the west side of Babb Drive. The owner of record is Martin Luther Foundation of Dover, Inc. Property Address: 101 Babb Drive. Tax Parcels: ED-05-077.06-02-90.00-000, ED-05-077.06-02-90.01-000, ED-05-077.06-02-90.02-000, and ED-05-077.06-02-90.03-000. Council District 2. *Consideration of*

*Alternative Design Standards for PND: Building Setback from Property lines, Building Spacing, Building Height, Number of Stories, Average Number of Dwelling Units Per Building, Off-Street Parking Reduction. Waiver Requests: Partial Elimination of Curbing, Reduction of Bicycle Parking, Elimination of Rear Emergency Access. Subdivision Waiver Requests: Waiver of Requirement for Two Connections to a Public Street and Waiver of Requirement for Lot Frontage on a Public Street. Associated Applications: MI-24-06 Luther Village IV: PND-SCHO Concept Plan and C-02-02, C-13-03, S-03-07, S-07-10, MI-13-08, C-13-03, and C-19-05.*

5. C-24-03 Church of the Nazarene Building Addition at 1430 McKee Road - Public Hearing and Review of a Conditional Use Site Plan for a building addition for a total size of 9,707 SF to the Place of Worship (Church) building. The subject property is zoned R-8 (One Family Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property totaling 2.72 acres is located at the southwest end of the cul-de-sac section of McKee Road. The owner of record is Washington Advisory Board Church of the Nazarene. Building Address: 1426 McKee Road and Property Address: 1430 McKee Road. Tax Parcel: ED-05-067.00-01-17.00-000. Council District 1. *Waiver Request: Partial Elimination in Upright Curbing.*
6. S-24-13 Flex Use Facilities Commercial Warehouse Business Park - Public Hearing and Review of a Site Development Plan Application for the construction of Phase 1 consisting of a 54,000 SF Flex Warehouse and site improvements. Later proposed phases of the project involve construction of a 42,000 SF Flex Warehouse, and a 123,750 SF Flex Warehouse (a total of 219,750 SF) with site improvements. The property is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone): Accident Potential Zones I & II and Noise Zone A. The property consists of 19.74 acres. The property is located on the north side of Lafferty Lane approximately one quarter mile west of Horsepond Road. The owner of record Devreco, LLC. Property Address: 350 Lafferty Lane. Tax Parcel Number: ED-05-077.16-02-05.00-000. Council District 2. *Waiver Request: Partial Elimination of Upright Curbing. For Consideration: Performance Standards Review Application. For Future Consideration: Tree Mitigation Plan (Tree & Woodland Planting).*
7. S-24-14 Legislative Hall Parking Garage at 425 East Avenue - Public Hearing and Review of a Site Development Plan Application and associated Architectural Review Certification to permit construction of a new Parking Garage for Legislative Hall to be located at the corner of East Avenue/E. Water Street and Martin Luther King Jr. Boulevard South. The proposal includes a three-story, 127,500 SF Parking Garage with 344 vehicle parking spaces and other site improvements. The 5.28 +/- acre property includes an existing surface parking lot and an office/credit union building (to remain). The property is zoned IO (Institutional and Office Zone) and is subject to H (Historic District Zone). The property is located at the southeast corner of Martin Luther King Jr. Boulevard South and East Avenue/E. Water Street. The owner of record is the State of Delaware. Property Address: 425 East Avenue and existing building addressed as 150 E. Water Street. Tax Parcel: ED-05-077.10-01-02.00-000. Council District 2. *The project was the subject of HI-24-04 for Historic District Commission Review and Recommendation on the Architectural Review Certification and V-24-01 for Board of Adjustment Review and Approval of variances related to development in the Flood Hazard Area.*

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**NEW BUSINESS**

8. Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 Section 2.28): Update on Design Professionals

**ADJOURN**

**Posted Agenda: September 6, 2024.**

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING