

**CITY OF DOVER, DELAWARE
PLANNING COMMISSION
Tuesday, February 17, 2026 at 6:00 PM**

City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware

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.

IN-PERSON and VIRTUAL MEETING NOTICE

The Planning Commission Meeting for February 17, 2026 will be held at City Hall in City Council Chambers at 6:00 PM and as a Virtual Meeting using Webex, an audio/video conferencing system as an electronic means of communication. The public is welcome to attend. See participation information below.

PUBLIC PARTICIPATION INFORMATION

City of Dover Planning Commission Meeting of February 17, 2026 at 6:00 PM

Join By Phone: Dial +1-650-479-3208
Access Code: 253 575 64910
Password from Phones: 3683772

Join Online: <https://bit.ly/PCMeeting02172026>
Webinar Number: 2535 756 4910
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 Meeting Minutes of January 20, 2026

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date is Monday, March 16, 2026.

Update on City Council Actions

Department of Planning & Inspections Updates

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Request for Extension of Planning Commission Approval

NEW APPLICATIONS

2. AX-26-01 Lands of Fuller at 7 Nixon Ln - Public Hearing and Review for Recommendation to City Council for an Annexation Request and Rezoning Request for a parcel of land totaling 41,526 SF+/- (0.9533 acres +/-) located at 7 Nixon Lane. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed Zoning is R-8 (One Family Residence Zone). The property is located on the east side of Nixon Lane slightly north of North Little Creek Road. The annexation category according to Dover's 2019 Comprehensive Plan is Category 1: High Priority Annexation Area and the land use designation is Residential Medium Density. The property owner is Lupe N. Fuller. Property Address: 7 Nixon Lane. Tax Parcel: ED-00-068.19-01-28.00-000. Proposed Council District 3. Ordinance #2025-23. *The First Reading of this Annexation Request was completed on December 8, 2025 by City Council. Public Hearing before the Planning Commission is scheduled for February 17, 2026 and City Council on March 9, 2026.*
3. AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels - Public Hearing and Review for Recommendation to City Council for an Annexation Request and Rezoning Request for three parcels of land of 5.12 Acres +/-, 3.15 acres +/-, and 0.48 acres +/- located at 1624 North Little Creek Road and the two parcels to the south. The main parcel is currently zoned IL – Limited Industrial Zone and RMH – Residential Manufactured Home Zone in Kent County. The other two parcels are currently zoned RMH – Residential Manufactured Home Zone in Kent County. The proposed Zoning for all parcels is IPM (Industrial Park Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The properties are located on the south side of North Little Creek Road and adjacent to State Route 1. The annexation category according to Dover's 2019 Comprehensive Plan is Category 1: High Priority Annexation Area and the land use designation is Office and Office Park. The property owner is United Worldwide Express, LLC. Property Addresses: 1624 North Little Creek Rd and two unaddressed parcels. Tax Parcels: ED-00-068.20-01-15.00-000, ED-00-077.00-01-07.00-000, and ED-00-077.00-01-07.01-000. Proposed Council District 2. Ordinance #2025-24. *The First Reading of this Annexation Request was completed on December 8, 2025 by City Council. Public Hearing before the Planning Commission is scheduled for February 17, 2026 and City Council on March 9, 2026.*

4. Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road – Public Hearing and Review for Recommendation to City Council of Rezoning Request for the two parcels of land located at 1600 North Little Creek Road consisting of 1.77 acres +/- and the adjacent parcel to the east consisting of 0.52 acres +/- . The properties are zoned C-PO (Commercial and Professional Office Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The proposed Zoning for both properties is IPM (Industrial Park Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The properties are located on the south side of North Little Creek Road between Fairfax Lane and State Route 1. The owner of both parcels is United Worldwide Express, LLC. Property Addresses: 1600 North Little Creek Rd and one unaddressed parcel referenced as 0.509 AC North Little Creek Road. Tax Parcels: ED-05-068.20-01-61.00-000 and ED-05-068.20-01-62.00-000. Council District 2. Ordinance #2026-07. *The First Reading of this Proposed Ordinance was completed on January 28, 2026. Public Hearing before the Planning Commission is to be scheduled for February 17, 2026 and the Public Hearing before the City Council on March 9, 2026.*
5. C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road - Public Hearing and Review of a Conditional Use Site Plan Application to permit the construction of one Multiple Dwelling-Unit (Apartment) Building as a three-story 59,313 SF building with 54 apartment units and associated site improvements. The proposed Apartment building requires Conditional Use review in the C-4 zoning district. Previously, three existing lots were consolidated into one parcel of total 3.302 +/- acres and are zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road at the intersection with Lafferty Lane. The owner of record is Patel Hospitality Properties, LLC. Property Address: 1100 Bay Road. Tax Parcel Number: ED-05-086.00-01-20.00-000. Council District 2. *For Consideration: Active Recreation Plan. Previous Application C-21-04 Bay Pointe Apartments (One-Building Concept) was approved by the Planning Commission in May 2021 and an Extension in May 2023 with Final Plan Approval of June 27, 2023; the plan has expired.*

NEW BUSINESS

PUBLIC COMMENTS OPPORTUNITY

ADJOURN

Posted Agenda: February 6, 2026

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

CITY OF DOVER PLANNING COMMISSION
January 20, 2026

The Meeting of the City of Dover Planning Commission was held on Tuesday, January 20, 2025, at 6:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chair Mr. Witham presiding. Members present were Mr. Lewis, Mr. Roach (virtual), Mrs. Maucher, Dr. Jones, Mr. Reaves (virtual), Mrs. Welsh (virtual – arrived at 7:00 PM), and Mr. Witham.

Staff members present were Mrs. Dawn Melson-Williams, Ms. Sharon Duca, Mr. Jason Lyon and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Mrs. Maucher moved to approve the Agenda as presented, seconded by Dr. Jones and the motion was carried 6-0.

APPROVAL OF MEETING MINUTES OF DECEMBER 15, 2025

Mrs. Maucher moved to approve the Planning Commission Meeting Minutes of December 15, 2025, seconded by Mr. Lewis and the motion was carried 6-0.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Tuesday, February 17, 2026. Monday is a holiday so your meeting will move to that Tuesday. She will let the Commission know that we do have five applications that have been filed for that evening and if there is no objection, she is recommending that we start that meeting at 6PM rather than 7PM. If that seems amenable to the Planning Commission by consensus, we will move forward with that timeframe. (There was no objection.)

Mr. Witham asked if there was any procedure in determining how many applications we can receive for one meeting. Responding to Mr. Witham, Mrs. Melson-Williams stated that there is not by Code. We have kind of balanced the complexity and number of applications when making a decision to either start earlier or split into two meetings. With the applications this evening, we felt we could get through if we started an hour earlier. Same thing would be true for our February meeting time. When you get into more than six and pushing eight, then we tend to split the Planning Commission Meeting into either two sessions or two meeting nights. It is a balancing act. The types of applications that we have for February are different than the combination that we have this evening. So, she thinks it's reasonable that we could get through five if you wanted to start at 6 PM that evening.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on January 12 & 13, 2026.

Mrs. Melson-Williams stated that we have finalized your Schedule of Deadlines and Meetings for 2026. A final version of that was included in your meeting packet so you can mark your calendar for the Planning Commission meetings. They continue to be on the third Monday of each month unless that Monday happens to be a holiday and then it moves one day.

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

NEW APPLICATIONS

S-26-01 – Bayhealth Medical Center, Inc. - Kent Campus: Master Plan Phases 1-3 – Public Hearing and Review of the Site Development Master Plan and Parcel Consolidation Plan for the Bayhealth Medical Center – Kent Campus. The Master Plan outlines three (3) phases (with subphases) of construction as follows: Phase 1A – Emergency Department 2-story Expansion (Overbuild) and Central Services Building 6,000 SF Addition; Phase 1B - Bed Tower 6-story Overbuild; Phase 2A – New 5-story Parking Garage (500 spaces) and Main Entry Addition with Drop-off Area; Phase 2B – Demolition of Existing Parking Garage and a Podium Expansion as 3-story Surgical Pavilion; Phase 2C - Emergency Department 3-story Expansion; and Phase 3 - Demolition of Existing Legacy Building. The properties involved consist of a total land area of 22.55 acres ±. The properties are zoned IO (Institutional and Office Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone). The project is generally located in the block created by South State Street, Hope Street, South Governors Avenue, and South Street with additional project area located on the north side of South Street. The main property address is 640 South State Street. The owner of record is Bayhealth Medical Center Inc. Tax Parcels: ED-05-077.13-01-52.00-000, ED-05-077.13-01-48.00-000, ED-05-077.13-01-18.00- 000, ED-05-077.13-01-18.01-000, ED-05-077.13-02-01.00-000, ED-05-077.13-01-02.00-000, and ED-05-077.13-02-12.00-000. Council District 2. *Waiver Request: Reduction of Bicycle Parking Requirement, For Consideration: Parking Adequacy Statement/Reduction of Parking Requirement. The Board of Adjustment on October 15, 2025 granted approval of variances for the front yard setback and to allow a building height of 175 feet (V-25-05).*

Representatives: Mr. Terry Murphy, President & CEO of Bayhealth; Mr. Gregory Moore, Becker Morgan Group; Mr. John Paradee, Brockstedt, Mandalas, Federico LLC

Mrs. Melson-Williams stated that this is a Site Development Master Plan that is for the Bayhealth Medical Center, the Kent Campus here in Dover. The image on the screen shows the hospital block. The main address for the hospital is 640 S. State Street and the property is zoned IO (Institutional and Office Zone) and there is a portion that is subject to the SWPOZ (Source Water Protection Overlay Zone). The hospital brings to us this evening, a Master Plan of a series of three phases with subphases that we will learn more about for construction of various additions, overbuilds, and new buildings at the site. The project primarily focuses on what we call the main block of the hospital. As noted, this is the block that is bounded by S. State Street that is at the bottom of the screen, South Street which is on the right, Hope Street which is on the left, and at the top of the screen is S. Governors Avenue. Additionally, there are adjoining parking lot areas on the north side of South Street is the large parking lot there called the South Street Parking Lot and also the Central Services Building that connects to the main hospital

block via the overhead bridge. There is a Hope Street Parking Lot and also to the east of S. State Street to the bottom of the page is the Scull Parking Lot that serves the hospital's main campus as well the Surgery Center Building and Day Care facility that are also on that property. Tonight, in looking at a Master Plan, the Planning Commission is presented a concept of what these various phases will be and then each phase ultimately would have to go through a process for an Administrative Site Plan Review where there is a much more detailed presentation on the specifics of that phase. Quickly, Phase 1A involves the Emergency Department as a two-story expansion which is an overbuild and then an addition to the Central Services Building that is shown on the screen. Phase 1B is the bed tower six-story overbuild. It is on top of the existing Podium Building. Phase 2A is a new five-story Parking Garage to consist of 500 spaces and a new kind of main entry addition. The new parking garage facility is the box you see at the lower part of the screen there at the corner of S. State Street and South Street. Phase 2B would be the demolition of the existing parking garage and then an expansion in its place. Phase 2C is another expansion to the Emergency Department; again, kind of on the west side of the building. Phase 3 would be the demolition of what they call the existing Legacy Buildings. In this image, that's the area kind of shown in the greenish color. For this project, we overall look at general parking for the overall hospital. The parking is based on a square footage calculation of 1 parking space per 300 square feet of floor area. There are portions of the Code which would require a minimum of at least one parking space per three beds and that's clearly satisfied in them meeting a parking requirement based on floor area. They did present a narrative related to parking and the Planning Staff has additionally focused on parking compliance by noting that because this project is within the Downtown Redevelopment Target Area, there is no parking requirement based on use and that's the bed use calculation. However, being located in that Target Area also makes them eligible for a parking reduction of 20% and with that, their parking proposal to include just over 1,200 surface parking spaces and a garage of over 500 spaces would meet their parking requirements. Additionally, loading spaces are provided at the Central Services Building as they have a centralized intake process. With parking, our Code requires a bicycle parking requirement. They have submitted a Waiver Request to reduce that parking requirement. If you do the math based on vehicle spaces, it would require 85 parking spaces for bicycles and they are asking to reduce that to the currently provided number of 38. Additionally, the Planning Office has provided generalized comments. For a number of the details of the Plan, Staff has noted that the Administrative Site Plan process will require a number of those things to be submitted at that time. The Planning Office is recommending approval of the bicycle parking reduction. They are noting that their project will be making changes to vehicular and pedestrian connections for the hospital and they want to make sure that as each phase progresses, that the appropriate accessible roots and ramps are in place to satisfy the movement of both vehicles and pedestrians throughout the campus. Stormwater management has always been a concern in this area related to nearby drainage systems; so, that will be something that they will be working through as part of future plan reviews. We have also noted that now is the best time to plan for any kind of EV charging. It is her understanding that they do have some already on their overall campus. The Development Advisory Committee Report continues with comments from our various other agencies and they are included by reference. That includes the Departments of Public Works and Water/Wastewater, the Fire Marshal's Office, from DelDOT, the Kent Conservation District, and the Dover/Kent County MPO.

Mr. Murphy stated that they will try and be brief tonight. They know that there are others behind

us. We are going to do just a brief introduction and really talk about the very important reasons why we are here in front of you and the future of Dover in Kent County healthcare. We are going to go over a little bit of the history of the Kent Campus in the current state and then speak very specifically about the Historic District of the City of Dover and then talk about our Master Facility Plan with some closing thoughts. Again, they will be mindful of time. He has been the Chief Executive of Bayhealth since 2009. Again, he has been working at Bayhealth since 2001. For the 5,000 team members that we have, we work very hard every day to take care of this community and we take it very seriously; it's part of our mission. The one thing that is important for him to share is that planning for us is uniquely different. We have to be prepared for 10 or 20 years down the road just by the nature of what we do in healthcare and caring for people. It's extremely complex in these spaces and buildings and how we do it. It's ever changing, so we put a lot of time and effort into planning with our own Planning Committee. So, we have done a lot of work in the past months and years specifically that brings us here today. First, he wants to share a little bit about what we need to grow. This is from a recent study in JAMA to talk about the need for hospital bed space for people that will be hospitalized. No one needs to raise their hand, but if you were born between 1946 and 1964, you are referred to as a baby boomer. The "boomer" is the important word because of the birth rate that occurred during that time. Unfortunately, what we have in front of us here is that the baby boomers are now aging. You figure 1946 to today. We are caring for baby boomers and that requires of a lot of healthcare, not less healthcare. What this shows in the study by researchers at JAMA is that the projected occupancy rate prior to COVID is going to go from less than 64% in hospitals across the U.S. to a projected occupancy in 2035 of 85%. 85% occupancy is not a good thing in healthcare because patients come and go. In fact, during the recent flu pandemic and epidemic that's been going on post-Thanksgiving and Christmas at our hospitals, we were over 90% occupied. So what does that mean? ED over-crowding is not really an ED issue; it's really about having beds for patients that are sick enough to be admitted to a bed and get them to a bed. So we need beds in a big way to prepare for the aging baby boomers. The number of hospitalizations in the U.S. is going to go from 36 million to 40 million by 2035. It is something that we think about because it's coming and we need to think to be able to care for the community. The next slide shows where Delaware is a little bit unique by decades. On the left on the gray is Delaware's percent of population over the age of 65 and on the right is the U.S. percent of population that's over the age of 65. So what is unique to Delaware is on the bottom right-hand side. If there's one thing you take away from this, Delaware ranks 5th in the Nation for percent of total population over the age of 65. This just means our work is just that much more important in order to get prepared for the aging baby boomers who are a large percent in Kent and Sussex counties as a percent of our total population. The next slide shows on the blue line the number of beds at the Kent Campus over the decades. The reason we are here are the last three decades as we are looking to add close to 100 beds on our Campus. The orange is really the growth of Kent County. As you look at the growth of Kent County, you see a similar growth in the number of beds needed to care for a growing population. So it's not just the aging population; it's the growing population that we face. He mentioned that they do a lot of planning. The one thing to take away is on the upper right. We believe by 2032 that we are going to need to have close to another 100 beds to carefully care for the community in an appropriate way. The challenge that they have on our Kent Campus is how do we expand the number of beds and how do we improve the Emergency Room and the flow from the Emergency Room? Right now, we have 50 rooms that are semi-private. He doesn't know how many of you go into a hotel and say "whoever comes through that door next, I want to room with

tonight.” But semi-private rooms aren’t really the way to go in health care. It takes away family members; it’s private thing. Like we have in Sussex, on the Kent Campus, we want to move to all private rooms for the health care that we deliver for the patients and their family members. We need to modernize our surgical in what’s known as interventional platforms for the future. We want to have work spaces that attract the best and the brightest physicians, nurses and technicians. We need to replace an aging infrastructure. So when we talk about Legacy Buildings, there are buildings that have been there for a long time that really won’t function in health care in the future nor today and those would eventually come down. We want to be more efficient and we also want to stop hospital sprawl. So this Plan actually does those things and the way that we are able to do that is, we’ve taken a lot of time in the planning process to really re-imagine, like we did in our Sussex Campus, how to do this stuff well. The one thing is that we are going to move to a more vertical Campus. If any of you have ever come into the Kent Campus in the current entrance and you need to go to the Outpatient, you go onto a long walk or if you are on this tower or the next tower. There is a horizontal growth that has occurred in our history and we want to move people and materials vertically where it’s more efficient, less movement and easier to move things through elevators front and back. We want to move more vertical. The design focus is how to improve our ED experience and our flow and that’s the first part of our phase of our project. He mentioned moving to all private rooms and they also what to have technology in our rooms for the patient and their families to increase transparency and communication in the care that also involves the family. We believe this is a great way to improve patient outcomes as well. This project is for Bayhealth as an organization, the largest re-investment we have ever made. This is larger than what we’ve done at Sussex Campus. It is a large re-investment into the community. What we do is very complex and it’s very unique. What he would also say is that we’ve put a lot of time and effort into thinking how we will grow and be prepared for the future. We think this would be a great facility that will attract the best and the brightest and we look forward to your support and are open to questions. At this point, he is going to turn it over to Mr. Moore from the Becker Morgan Group who will get into a little bit more of the details.

Mr. Moore stated that we are going to talk a little bit about the current state of the Campus and where it came from and then we will go directly into the Master Plan and show you some images. Before he does that, he wants to make clear that we have no issues with the DAC comments from the Report. We think it’s a well-developed Report as Mrs. Melson-Williams always does and we conform to everything and have no issues. The second thing he wants to start with is that they had a number of outreach meetings to our neighbors in our regional area as well as the Friends of Old Dover. We had three different meetings with these groups. In fact, we had our neighbor meetings with one in the evening so that they made sure everybody could attend. We had over 30 people attend. We want to be a good community member and make sure they understand what we are doing and how we are doing it. This is actually an image showing the 1927 opening of the Kent Campus which was shown there in red. That is the actual building. You can see how rural it is. The Bryan House that is on this property today is not even there. The Frear House happens to be and there are a couple of other properties. You will notice that Governors Avenue wasn’t even extended over Route 13; so, this is quite a different time. The total population of the County was about 30,000 people. Notice how rural the area was around the hospital and we think that’s when Dover was growing and continues to grow. The next slide shows that between 1927 and 1973 there were a number of additions to the hospital around the

Legacy Building from 1927 and the population is now 86,000 pushing towards 90,000. There is a consistent growth in our population and we were growing at the same time. You can see buildings getting built along Hope Street around that main building that was built in 1927. In 1986 to 1992, we had other expansions. You can see in blue, the 1986 Building which survives today and will survive the Master Plan. The population is up to 111,000 and a number of buildings. The old building is completely surrounded with new expansions. That continues past 1992. He will note that that 1986 Building originally was built as a three story building and we did an overbuild of three stories to make it the six stories that it is today. We understand how to do these overbuilds; we've done it, we've managed it, and we will do that again as part of the progress of Phase 1. The next slide shows the 2010 Expansion and it was large. We sat here in 2006 before this very body getting a Master Plan approval. That planning started in 2006 and the buildings were built in 2010. You can see as Mrs. Melson-Williams outlined the CSB Building which is the service building to the right with the bridge crossing South Street. That will all survive. That's where materials come into the hospital, where our loading zones are, our waste goes through there and there is also utilities that serve the building in terms of heating, electrical, and supply. The 2010 building that is in light blue is still there. The main entrance of the hospital is still there on that version and you can see everything to the left is now a different color. We call that the legacy side of the building. The next slide shows that populations at that time had approached 190,000 and that is the last expansion that we did. You can see that this is very much the same with exception that you can see everything to the left in red that we call legacy. Most of those buildings are 45-50 years or older. They present a problem to us because modern healthcare Codes have changed significantly. Specially, floor to ceiling heights have to be larger to have patients. They have to be larger for surgeries and those buildings don't meet those and we have to expand in other areas so that we can actually meet those modern healthcare Codes that we have to deal with. We will talk about the Legacy Buildings later but notice 1986 and 2004 on that 1986 Building. It was 2004 when we added three stories of beds on top of that building, doing that while the 1986 Building was in service and that is what we will have to do again. Mr. Murphy mentioned the sprawl. He mentioned coming into the hospital in the main entrance in blue on the screen; you can see that it's circled. You see the six story tower addition that we are going to show you in a minute and you see the parking garage in the back on the far right side. But when you come in, you may be in beds that are in the current four stories, but there are three other locations that beds are to the left and one of them is over 424 feet from the main entrance. We are having complaints from our patients and providers that they have too far to go. It's confusing. We don't know which elevator to go to; we don't know which bed tower to go to. We are trying to stop that sprawl by making this Master Plan change today. Let's talk about where we are relative to the City and our context. The tan is actually the City of Dover's Historic District and the red star is actually where we are going to build the tower and the blue is the property that is part of this application from Bayhealth. Notice that we are not in the Historic District, but we are very close. A portion of our property is in it and he will show us that as they expand. The next slide shows a red line and that is the Historic District line. You can see the blue is our property boundaries that we are presenting tonight. You can see that bridge crossing South Street right in the center, S. Governors Avenue to the top, and S. State Street to the bottom. But we are not in the Historic District. We do own a building that is and that is the Professional Office Building on S. State Street. We are very aware of that Historic District and have been before that Commission as we have made expansions and modernized that building with windows and such. So we are very respectful of that Historic District. You have seen

surprisingly that during his entire life, there have been very few parking garages in Dover and now you have actually approved three others in addition to the one you are seeing tonight. One of those is Legislative Hall on the far right, the Downtown Dover Mobility Center and the Kent County Family Court House. All three of them are in the Historic District and we are just on the edge and that sets us to be a little bit different. The next slide shows the Dover Mobility Center which is under construction and this is the side view that you see from the sides, not from the street and notice that it is about 58 feet tall in total and there are parts of it that are about 55 feet in height. The next slide shows from the Governors Avenue side; again, the 58 foot version. He points that out because he wants you to get an idea of the scale of our project compared to these because you've seen these already. There were two historic buildings that were in the Historic District that were torn down as part of the project. The next slide shows the rendering of the Court House. The Court House is by itself on the front and then the back is the Parking Garage. That building is about 58 feet tall; it's close to Governors Avenue and it is in the Historic District. It went through the Historic District Commission and then came here to this body for approval. There were four buildings that were demolished as part of that construction. This is the most recent which is just starting construction. It's hard to see but it's just getting underway at Legislative Hall and the parking garage is there to the left. You are experienced with parking garages. You are experienced with some demolition that has been partaken to allow the parking garages to be there.

The next slide shows their Master Plan and the specifics of what we are doing. The next slide shows Phase 1. Our Phase 1 right in the center is the tower overbuild and that's where we are erecting six stories of what we call our "bed tower" to add these many bed rooms that we need. Part of that is demand because of population growth and as Mr. Murphy said, the aging population but the other part that we have to account for is the double rooms that we have to turn to single rooms. To the left you can see the Legacy Buildings; that's the older buildings that are over 45 years old. He will refer to them in a bit. In the green, you will see the circle. That is the Emergency Department overbuild and a new Emergency Room entrance and expansion providing more seating area, providing more security and a large area so that there's more patient rooms for Emergency so that we don't have the problems that we are having today with backup times. Then a small addition on the right side next to the bridge that is not for patients or people, it is a utility building that is part of the CSB and electrical supply and services are the main use of that building. The next slide shows the new entrance that is part of this phase to the Emergency Department with the enhancements that he has pointed out; more waiting area in the front, more security and you can see that it will be done first. It will be the very first part of Phase 1 and in this picture, you can see the Parking Garage in the back that we will talk about later. The next slide shows the other side of the Campus; the main entrance to the hospital will remain. We will build six stories of the bed tower above the existing Podium that Mrs. Melson-Williams referenced. You can see the demarking red line where those four stories turn to ten by going six above it and all of that is bed tower. The main entrance stays the same. The build is over top of the four stories and he can tell you that the building was planned for those extra six stories. We designed it for ten and now we are finally erecting that building on that Podium in 2010. Notice that the Cancer Center that you may have been in is remaining intact. That is part of that first four-story Podium Building. That will remain and it will be the beds above. Phase 2 is in parts. At the bottom you can see a new parking garage and that parking garage is a four-stories with a little over 500 total spaces. The bed tower will actually be there, and the Emergency

Department expansion will be there, and the new Emergency Department entrance will be there. On the far right side which is green, you can see another Podium expansion and that Podium expansion is going to be the surgical suite. There is going to be three stories of that building allowing us to expand our surgical which is over in the Legacy Buildings now. That surgical area will be more modern, it will be more technologically savvy, and it will provide healthcare and surgery at a higher level. As Bayhealth has grown and the population has grown, we are providing more surgeries. We are providing more different types of surgeries and adding specialties that require more surgical rooms so that we can do that. You can almost see the bed towers in the center in that light blue; you can see two elevators on each side of that. One of them is for patients and the other is for service and emergencies but we are simplifying the vertical move up to the towers and making it simpler for people to understand. We are also bringing the Emergency Department much closer to the tower and the beds so that when you go to the Emergency Room and need to go to the beds if you need to go to a room, you can go quickly right up the elevators. But that is also true of our staff and our doctors; it is efficient for them to get there. If you get surgery and you have to go to the beds, there is an elevator right next to you and it consolidates that and goes vertical as opposed to the “sprawl” that we have today which is hurting us in efficiency. You will also note that in the center of that Plan we have a building that is going to be part of the main entrance that will allow you to come into the Parking Garage at the bottom at the page in red and be able to walk into the main entrance of the hospital totally under cover and in a new building pavilion that allows you access to those elevators. Another couple things to note; we are removing the entrance off of State Street. That is the main entrance to the building. We are leaving the entrance in the same location on the current Podium, but we believe that by moving that entrance off of State Street, we are going to help improve traffic on State Street because there are a number of issues there as it relates to Holy Cross and a lot of different movements in different directions. We are going to maintain our main entrances off of South Street to the hospital. If you are coming to the hospital, you can use either Governors Avenue or State Street to get there. They think that is strong traffic issues to allow people to get to the hospital from multiple roads. You are going to be able to pull in, drop off, and then pull right into the parking garage and walk under cover back to the main entrance. That is modern health care. We have done a lot of studying; we have been studying this for years. That location for a parking garage is strategic and important. It is the closest that we can get that number of spots to the main entrance so that our patients and our visitors don't have to walk too far. We looked at putting it over on the other side of South Street but then you would have to cross a road and then you would have probably about 400-500 more feet. We can't put it in the Legacy Building because everything in that Legacy Building has to remain in service until we can move it. We can't do that until we affect these changes, whether it be surgery or whether it be the ED expansion. The other thing that we are going to be doing is moving out-patient over to the Blue Hen Mall. We have a large presence at the Blue Hen Mall. We just made a major expansion there and outpatient services are going to be more at the Blue Hen Mall which is going to reduce traffic at this site. This is going to be more of an acute hospital; a bed hospital with an additional 100 beds and that is our strategy. We are also going to be able to take some of our Staff over to the Blue Hen Mall so that we don't have a lot of staff here. When I say “staff” I mean functions like possibly financial, Human Resources, etc. that don't have to be in a hospital. They can actually be doing their functions off-site and we can concentrate on this site being the acute hospital and that will help us reduce traffic. The next slide shows the view in 3-D architectural from South Street. Pretend like you are standing inside on South Street and you are

looking at the existing hospital. That glass that's above the Bayhealth insignia on the right is the Cancer Center. That remains and the main entrance stays the same. You will be able to drive in off of South Street, drive around that loop, go into the parking garage which is to the left and then walk back under cover into the main entrance. That loop will provide for allowing you to drop-off and allowing you to continue to the parking garage if you wish. The next slide shows the view looking from the north along S. State Street. That street there is South Street and you can see the Podium Tower, the six-story Bed Tower that he referred to in the background, and then the Parking Garage to the left and then you can look down S. State Street. Notice we positioned it so that we can do nice landscaping and gardens along the edge, both on South Street and S. State Street to break that down. Our heights are 36 feet 10 inches for four stories and we are slightly higher than that at our elevator and we are slightly higher than that for our canopy which we have solar panels on. The next slide shows that in a little bit of a different view. This is coming from the south. The 1986 building that had the three story overbuild is to your left, then the parking garage there. You can see the 36 feet and the 44 foot elevations. We tried to make that as low as we could so that it had a residential scale and we didn't change the scale of the area. The next slide shows a closer view. Notice that the vehicular entrance is gone and it becomes garden and it becomes a walkway into the entrance of the hospital. The Parking Garage is landscaped along S. State Street to give a little bit of a softer image on S. State Street. You can see the Podium in the back with the new six stories above it. The next slide shows a vision of seeing all three over builds in one on S. Governors Avenue. It is actually a very difficult option to see because of how large the building is. On the back side, you see the Phase 1 Bed Tower and then Phase 1 on the right side would be the ED overbuild which is the entire Emergency Department giving us much more space so that when you come in you don't have to sit and wait. You can actually get to a location where a doctor can see you in the Emergency Department and then they can get you up into the tower if you have to get a bed. That should help us reduce those wait times. On the far left hand side along where the light is at S. Governors Avenue and the Bayhealth insignia, that is the Surgical Suite. There is going to be surgery and a pharmacy in those areas, again, located right under the tower so that efficiency for our staff and efficiency for movement throughout the building is accommodated. The next slide shows moving down a little past the light and past South Street. The building to your left behind that red car is actually the CSB. That is where the functional things happen. That is where we bring in our materials. They go over that bridge behind the trees and they get into the building. All of that will remain and you can see those three-story overbuilds on S. Governors Avenue, which again are the Surgical Suite as well as the ED overbuild and the tower in the back. The next slide shows Phase 3. Phase 3 is basically when they will have all of these things done and they are then able to remove those Legacy Buildings that we can't renovate. When we remove them, we believe that will be ten years from now. We have to do this slowly; these are long term construction projects. Once we remove them, some of that will go to Blue Hen Mall and some of that will go into the new expansion areas here. Once that's done, we will be back here before the Commission as to what we are going to do with that space. But that will allow us to go the next ten years and the next ten years. Our philosophy is to stop the sprawl, go up, and utilize our property more affectively and don't require people to walk such distances as we do today. The next slide shows Mr. John Paradee on the right; he is going to close for him. That is a 3-D image of what the campus will look like. The 1986 Building on the left, the parking garage to the bottom and the Podium and the bed tower to the top.

Mr. Paradee stated that he stands before the Commission tonight not just as an attorney who has been doing land use law for forty years in our community. He stands before you as a former Chair of the Board of Bayhealth. He will tell you that one of his proudest accomplishments during the time that he was on the Board was hiring Mr. Terry Murphy. Mr. Murphy has been a tremendous leader for this organization in delivering our vision for the quality of healthcare in Kent County. You heard Mr. Murphy and Mr. Moore talk about the importance of this project, not just to the hospital and its ability to deliver quality care at the highest level and comply with regulatory requirements, take advantage of technology, and deliver healthcare in the most efficient way possible. But this is important to this community and to all of central Delaware. We appreciate your time and focus tonight. What he handed out are the two leading cases on Site Plan approvals in Delaware. Oddly enough, one of them was decided in the City of Dover involving this very Commission back in 1994. It is referred to as the East Lake Partners Case. In that case, Judge Max Terry talked about the role of a Planning Commission like this is not legislative or discretionary like the City Council when it's considering a Rezoning. It is called partly administrative and partly quasi-judicial. You have to look at the application and try to decide, does it meet the Code requirements or not? What this case stands for is that if you have a project before you that meets all Code requirements, your discretion is extremely limited. You can attach conditions of approval to address concerns that may alleviate health, safety, and welfare concerns but you can't deny the project. That decision built on a case that was decided several years earlier called *State ex rel. Daniel D. Rappa v. Buck Inco*. Essentially it says the same thing, that when you are confronted with an application like this for a Site Plan or even a Master Site Plan Development your discretion is really, does this meet the Code requirements? We would respectfully submit to you that it does meet the Code requirements and there is no basis really in the Code to deny it. He would ask you more importantly beyond that legal standard is, think about what this means to the community. We have to build this expansion and we have to build it now. Our population is growing beyond control. We need 100 new beds and we need them quickly or this hospital will not be able to deliver the quality of care that we all deserve. In closing, he will remind you that this is very important not just to the hospital and not just to the City of Dover, but to all of Kent County and central Delaware. We appreciate your consideration.

Dr. Jones stated that in the plan she noticed that under the challenges, one was to ease the traffic is to obtain physicians, nurses and allied health professionals. In the larger scheme of things, is there a PR plan? She knows some people who work in that area and you are doing some things. But she is just wondering if you are around a lot of newcomers to Dover, the first thing you hear is "I have to go back to New York because there is this or there is not that" and of course she is a Delawarean so her response is a little different. Responding to Dr. Jones, Mr. Murphy stated that they are doing more for workforce development than most. We are paying for people to go to school to learn to be a CNA or a Tech so that they can have a job once they are done with that training program. We are now a teaching hospital and training physicians that we have had many that have stayed not only in Kent and Sussex, but have stayed in the State of Delaware to practice. Physicians, nurses, technologists; we are doing everything with every institution of higher education that we can do. It is important to also know that you want to have spaces for the professionals. When we redesigned the Sussex Campus, we asked the team members. What makes sense as a nurse in how you deliver care and what do you want right outside the room versus going to hunt and find? When you do those things well in facilities and with the

technology, you attract really good people and that is also what we are trying to accomplish with this project.

Dr. Jones stated that she doesn't usually personalize but she wants to say this. Her mother was a nurse in one of those Legacy Buildings in about 1957 so she remembers what it looked like. Currently, she has a niece who is a very happy nurse at Bayhealth so she is going to share with her. Responding to Dr. Jones, Mr. Murphy stated that he wasn't there but if he can ever do anything for her please let him know.

Dr. Jones stated that in the scheme of the new Site Plan, she didn't hear much about security. Responding to Dr. Jones, Mr. Murphy stated that security in healthcare today is one of our biggest issues. As that new front entrance expands, we are going to really look at all of the safety and security systems that are out there today. We are open 24 hours a day and 7 days a week. We are reflective of society so we are open to everyone and we have to provide a safe and secure environment. We do that now but as things elevate and more things come to market, our plan primarily in the front entrance as well as the Emergency Department would be to elevate to make sure that we are keeping the things that can be harmful out and providing a safe place for people to work. That's really important for our team members.

Mrs. Maucher questioned that with new Parking Garage, all access would be off of South Street, not S. State Street? Responding to Mrs. Maucher, Mr. Moore stated yes, we have two entrances off of South Street so that you can come in and then circle back out. The Emergency Department will still gain its access for ambulances over on the other side. But we believe that it's a better traffic condition by using South Street as our main entrance and our exit. The other thing that he didn't mention in the presentation is that they want a light at the location of South Street and S. State Street. DelDOT controls that, we have met with them and talked to them. We think that will actually improve traffic on S. State Street as well giving it a stop so that cars can get out of Holy Cross when they have functions.

Mrs. Maucher asked about a light at Hope Street on S. Governors Avenue. She walks that street and it's a straight line from Wyoming Avenue to the next light at South Street. Responding to Mrs. Maucher, Mr. Moore stated that they have met with DelDOT to talk. We have been talking about a light at South Street and S. State Street. There is already one on S. Governors Avenue and that's why we want it on both sides so that cars can come in and people that might be in trauma or whatever can actually have a light to protect them. We have not talked of one on S. Governors Avenue but we are starting our process with DelDOT. We have a lot of work to do with traffic and entrances. Even just to remove the entrance on S. State Street, there is a permit and a process that we have to go through to do that. We are doing that already so we will take consideration of that light to them as well.

Mrs. Maucher stated that she walks that frequently on S. Governors Avenue and it's the fact that they can pick up speed from Wyoming Avenue down to South Street. The MPO noted that there is a high pedestrian accident rate in that area so that might be something for consideration. Responding to Mrs. Maucher, Mr. Moore stated that's a good point. The other thing that is going to happen is, by taking out all of the outpatient facilities away as part of the Legacy Buildings and moving them to the outpatient facility at the Blue Hen Mall, that will reduce a lot of traffic to

our site so we think that will improve it as well.

Mrs. Maucher asked if that would include the Surgery Center on Scull Terrace or is that going to stay there? Responding to Mrs. Maucher, Mr. Murphy stated that we are not removing it as part of this. That's one of the areas that we are looking at that would make sense to be out there eventually but that's not part of this right now. Anything that is out-patient or any type of facility where they don't need to be there for acute reasons, we are looking at how we can decamp and move it to an area that has great parking and was relatively inexpensive to get.

Mrs. Maucher stated that her last question is on timing. You said it was a ten-year plan. Responding to Mrs. Maucher, Mr. Moore stated that their timing is to move right into Phase 1 which is the Emergency Department. That overbuild of six-stories is going to take a long time; it's going to take years. We believe that it will be five years away before we do the Parking Garage and Phase 2. We will have to be fully finished with our Phase 1 to do that. We already have contractors on board, we are already starting to schedule that and we are already working with our architects to do that. But we believe that it will take us ten years before we get to Phase 3. So, this is a long term plan. Remember the history, the last Master Plan was approved in 2006. Those buildings weren't in service until 2010 and 2011; so, it took five to six years to get that and this is actually a tougher project.

Mr. Lewis stated thank you for the presentation. He always enjoys when we get a 99-year-old aerial photo as part of the presentation, but it was very comprehensive. Following up on what Dr. Jones was saying, we don't hear about a project that comes here for a new apartment complex or the Dover 2030 Project without hearing the name Bayhealth. They are anticipating that some of your new employees will be populating some of these new apartments that we are getting. You mentioned 97 new beds by 2032. Is there an industry standard that hospitals nationwide go by? Like if you have X number of beds, that means you have X number of employees? Responding to Mr. Lewis, Mr. Murphy stated that it was a great question. Not necessarily. What he would say is our history, if you look at the number of employees, we are growing. For example, we've changed as a teaching hospital now since 2019; we employee a whole faculty. We employee people that take care of the residents and residency coordinators. The other thing that's different is healthcare is changing. A lot of things are moving to outpatient; so, it's just changed so much over time. A lot of the procedures that used to be done by surgery are now being done by interventional ways where there is not a surgical procedure. Which is better and shorter lengths of stay; so there is no true number. We do use a standard, but we are at 5,000. He doesn't know what is was when he got here but we are going to continue to grow in order to meet the needs and do our healthcare well.

Mr. Witham opened a public hearing.

Mr. Stephen Loper – 76 Sackarackin Avenue Dover, DE 19901

Mr. Loper stated that the hospital is a good neighbor. They have been professional. He is close to the hospital. In short, he and his wife are in favor of all of the phases of this long-term project. They believe this project will have a positive impact on our community.

Dina Vendetti – President, Chamber of Commerce and 352 West Wind Drive Dover, DE

19901

Ms. Vendetti stated that she is not here just representing the Chamber of Commerce although that is her purpose for tonight, but she is also a resident of the City of Dover. She is here to speak absolutely in favor of the expansion at Bayhealth. There is a multitude of reasons that she thinks that were really outlined in the presentation. There are two things that she would like to zero in on. The first is that as a Chamber, part of our duty is to help this area to be a business friendly area. When we are talking about bringing businesses and companies to Central Delaware, it's really important that the infrastructure can handle all of that and the hospital is part of that infrastructure. We have to have good healthcare in order to be competitive and in order to attract people to come to our area. As the population grows, which she thinks has been shown here this evening, the need for healthcare grows. We have an extremely high quality healthcare through Bayhealth here in central Delaware, but soon and maybe already, there is just not enough of it. This hospital expansion will enable that to grow and keep pace with the population and keep pace with the companies that would perhaps like to come here and do business. The second thing that she would like to call to your attention and this has been mentioned a couple of times this evening is that we are now a teaching hospital and that's been a benefit that is a win. It's a win for the residents who come here. It's a win for the doctors who are serving as their mentors and their guides because in order to teach somebody how to be on the edge or the forefront of what's happening, you have to be really good at it yourself. So that is a win for the doctors and all of that is a double win for the residents here in Central Delaware. In order to maintain that status, there has to be an infrastructure that will accommodate all of the technological advances and things that are happening in medicine. Currently, we are at the end of where our facility can handle that and we need to grow that. She thinks Mr. Murphy spoke to that in his presentation. So, for all of those reasons, we are in favor of the expansion.

Dr. Joseph Rubackv, III, D.O., FAAFP – Dover Family Physicians PA 1342 S. Governors Avenue

Dr. Rubackv stated that he has been in practice at Bayhealth for 37 years and been involved in many of their projects. He is proud of the many things we have done. During my time here, we have seen tremendous growth not only in population served, but also in services. The culmination of that was the start of our teaching programs with three medical schools and starting multiple residency programs, which he was one of the ones who led to the development and start of these programs. So he thinks he can attest to that and the importance of those to the community. Someone asked about what we are doing to improve access. These teaching programs were developed specifically to improve access with the side effect of improving care. One of our biggest barriers to care right now is a divide and care where we are literally overwhelmed most days in our emergency room where we have patients double bunked in hallways and some people have extremely long wait times. The reason for that is just a backflow of the hospital. We don't have enough admission beds. Right now, he made rounds teaching students today and he had patients that are double bunked in single bunk rooms. In addition to that, we have patients who are having transmissions of infectious diseases. He has two patients right now that picked up the flu from having roommates that they shouldn't have had. We need to rapidly expand this facility and go to all single rooms and have enough rooms that we can actually care for our patients. One of the other questions had to deal with recruitment and retention of staff. There is nothing more demoralizing than not having the tools to care and do the job you want to do. For example, he has a patient right now that is 92 years old that got

admitted last night. She waited 12 hours in the ER to be seen with abdominal pain. The poor thing then finally got admitted, had to wait hours to get in a room and she is unfortunately dying and is in a double bunked room. The family is there with her at the bedside and they have no room or privacy. This is not the care that we want to provide for our loved ones, so we have a moral and ethical problem also. One of the things that he teaches is medical ethics. We have an ethical obligation to provide the best care and we also have an obligation to provide the care that we would want our mothers and fathers to receive. Right now, unfortunately, we're not living up to that. We have the financial resources with our hospital and the leadership resources that you've just seen, to do what we need to do. There are a lot of communities that don't have that so we don't want to squander this opportunity; we need to move quickly on this. The need was there several years ago and the need is only going to get greater as the community expands. He gives his strongest recommendation to move forward with this post haste.

Mr. Witham asked if he is comfortable with this Master Development Plan in that the hospital will be able to conduct its activities in an efficient and careful manner to serve patients while this construction is going on. Responding to Mr. Witham, Mr. Rubacky stated yes he is. He can speak for it from personal experience because he was actually involved in the 2006 project intimately. It lead to the concept of the ten-story build because the vertical direction will make things much more efficient and it will be a much nicer environment for not only those working, but for all of the patients. He is very confident on that. Unfortunately, everyone inherently opposes changes, even good change and this is a good change building this. But it is going to change slightly the view and the dynamics of our Downtown community. We have to be realistic about that, but the need far outweighs any determinant that can occur with this expansion.

Mr. Witham stated that he assumes the hospital has made careful planning to keep its activities ongoing sufficiently enough to serve the needs of the people in Kent County with all of this construction. Responding to Mr. Witham, Mr. Rubacky stated yes, it has and he can speak from his time on the Board also. A couple things, one is financial. The financial planning that this hospital as done and has done for decades is superior to just about any institution and to be able to maintain the financial stability to be able to do this with double A bond rating. Along with that, one of the things back when we initially merged with Milford and created Bayhealth, we looked at the possibility of doing a green site hospital outside of Dover and in between Milford and Dover, way back as part of our due diligence before we did the expansion in Milford. One of the things that came out of the planning when we met with national planners was that this site that we currently have will meet the needs going forward in the community if properly developed for at least 100 years. This plan is part of the fulfillment of that. When this gets completed in 5 or 6 years, you are looking at another 40-50 years life span on this. It will be fulfilling the needs of our children when they start having high health care needs. He wasn't born here but one of his children was born here by the way.

Ms. Diane Laird – Downtown Dover Partnership at 101 W Loockerman Street Dover, DE 19901

Ms. Laird stated that she is the Executive Director of the Downtown Dover Partnership. She doesn't live here and she wasn't born here in the hospital but she has spent quite a bit of time in Dover having worked for the Partnership in the last 7.5 years and spent 20 years prior to that working with the Downtown Dover organizations. What she has admired about Dover is the

proactive planning stance versus reactive. There are a couple of things that she just likes to be enthusiastically in support of. Briefly she will speak but she's enthusiastically in support of these expansion plans. Two points that she would like to make. One has to do with transformation of a community and the other is reinforcing the adequacy of medical facilities in the community as it grows. The first point is transformation. Talk about transformation; it kind of is proactive or reactive, inside out or outside in. This community that she has been thrilled to be a part of and proud to be a part of is transforming from the inside out. "Outside in" means the forces outward are telling it how it develops; that is part of this. But "inside out" is the community saying how do we respond to the needs and plan proactively to address them appropriately. The simultaneous completion of Master Plans for Downtown Dover that have been undertaken over the past several years include anchor institutions, not only Bayhealth but the DDP, DSU, and the Biggs Museum. These four anchor institutions have done this simultaneously which again, shows a strong philosophy here in this community to proactively plan to transform from the "inside out". This bodes well for the future of the city and in fact, these plans including Bayhealth's expansion are expected to be in place for a city that is considered to be viable, sustainable, and livable for years ahead. The quality and accessibility of healthcare is critical for this community. Certainly, she wants to also emphasize the need for adequacy of the current medical facility. It is not adequate at present and we know there is anticipated growth. She just wants to bring home the point that what she is working with daily which is plans for 120 units on S. Governors Avenue that could be potentially 200 plus residents in the near term. We anticipate probably breaking ground within the next year so that 2.5 years or so from now, there could be an additional 200-300 residents. There are other projects underway. The Old Post is bringing about 42 new apartments which again are close to another 100 people potentially. We have a goal, the Downtown Dover Partnership, in its Master Plan alone of a projected 2,000 new residents in Downtown alone. That's not speaking of the City overall or the County. That again, is accomplished through our 120 apartment units and the Old Post's 42 units. We are well on our way to those 2,000 new residents projected in a short matter of time. She wants to applaud Bayhealth for its proactive stance and again, emphasize that this is not alone. DSU and Bayhealth and the Biggs Museum, we are all planning. This is great philosophy for a City and she is proud to be part of it.

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

Mr. Prebula stated that he is the Director of Operations for the Kent Economic Partnership and we are the economic development organization for Kent County. Part of our role is to focus on business attraction and also to support local businesses looking to expand. Bayhealth is not only one of our largest employers in the area, but they are one of the most vital institutions serving our community. Dover and Kent County have experienced strong positive growth in job creation. To sustain this momentum, our healthcare infrastructure must grow alongside and meet the needs of our residents and our workforce that continue to grow. For these reasons, they strongly support this project and ask that the Commission approves it.

Mrs. Melson-Williams stated that they received written correspondence in regards to this application. It was provided to the Planning Commission members on their desks this evening. It's on letterhead of the Church of the Holy Cross and dated January 16, 2026. It is addressed to the Planning Commission and states, " To Whom it May Concern: I am writing to share that I, as Pastor of Holy Cross Church, have been made aware of the expansion plans of Bayhealth

Hospital, Kent Campus, including their plan to request a 10-story bed tower, new parking garage on State St., and Emergency Department upgrades. I believe that their mission to serve the region with healthcare is important to the community and their expansion is clearly dedicated to that mission. I would like to share that we at Holy Cross Church are supportive of the hospital's expansion and have no concerns with the approval of their master plan." It is signed In Christ, Rev. James Lentini, Pastor.

Mrs. Melson-Williams stated that Mrs. Welsh joined the meeting about 30 minutes ago.

Mr. Witham closed the public hearing.

Mr. Witham stated that is his understanding that the DAC as well as the Planning Office recommends approval of the waiver for the bicycle reduction. Responding to Mr. Witham, Mrs. Melson-Williams stated that is correct.

Mr. Lewis moved to approve S-26-01 Bayhealth Medical Center, Inc. – Kent Campus: Master Plan Phase 1-3 to include the waiver request for the reduction of bicycle parking requirement as well as the Parking Adequacy Statement that was under consideration, seconded by Mrs. Maucher and the motion was carried 7-0 by roll call vote with Mrs. Denney and Mr. Baldwin absent. Mr. Lewis voting yes. Mr. Roach voting yes; it is a welcomed addition and he definitely appreciates the proactive approach in regards to the reactive approach. Thank you so much for all of the detail that was put into this; it was amazing. Mrs. Maucher voting yes; based on DAC comments and the Bayhealth's willingness to accommodate any comments that were in there. It is a much needed addition and very welcomed and hopefully it will be a good draw for good paying jobs in the area. Dr. Jones voting yes; for all of the reasons previously stated. She would also like to thank the presenters for the presentation. She had no problems following tonight and reading right along and she also thanks Mr. Paradee for reminding us of our responsibility tonight. Mr. Reaves voting yes; for reasons previously stated. Mrs. Welsh voting yes; this is a worthy project and the presentation that she experienced was very well done. She is looking forward to utilizing such a vast facility in about 20 years when she is old and needs it. Mr. Witham voting yes; we had an excellent presentation by a number of people representing the hospital. This redevelopment plan is desperately needed and he thinks the Commission's questions were all answered in a way in which we all understand and agree with. The hospital is in full agreement with the DAC comments so he sees no reasons why we should not approve this plan.

S-26-02 – R.E. Pierson Regional Headquarters (Office, Garage and Contractors yard) at 30 Lafferty Lane – Public Hearing and Review of a Site Plan Application to permit the construction of R. E. Pierson Regional Headquarters to consist of a 9,900 SF Office Building, a 9,600 SF Garage with a fenced Contractors Work Yard (laydown and equipment storage) area, and associated site improvements. The project development area is 5.284 acres of the overall parcel of 29.6135 acres. The property is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone): Accident Potential Zone I (APZ I) and Noise Zone A. The property is located on the south side of Lafferty Lane between Bay Road and Horsepond Road. The owner of record is Richard E. Pierson Construction, Co. Property Address: 30 Lafferty Lane. Tax Parcel Number: ED-05-077.00-01-28.03-000. Council District 2. *Waiver Requests: Partial*

*Elimination of Sidewalk, Partial Elimination of Upright Curbing. For Consideration:
Performance Standards Review Application.*

Representative: Mr. Gregory Moore, Becker Morgan Group

Mrs. Melson-Williams stated that this is a Site Plan Application as noted for the R.E. Pierson Regional Headquarters. It is located on the south side of Lafferty Lane. It is kind of in the second bend of the curve if you came off of Bay Road onto Lafferty Lane. The full project area is just over 5 acres of what is a much larger tract of land that is just under 30 acres in size. You can see that the development is proposed for what is the northeast corner of the property. The property is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone) with portions of it falling into the Accident Potential Zone I (APZI) and Noise Zone A. The next slide shows a close up of the development. What is proposed is an office and that is the building kind of in the center of the screen. There is a parking lot between the proposed office building and Lafferty Lane and then the southern part of the development area is to include a separate garage building and a surrounding work yard area. The next slide shows some of the proposed landscaping. The garage and work yard area is a fenced area. Additionally, there are tree plantings along two of the sides. The eastern portion of the property is where we find their stormwater management facility that they are looking to design for this site and then some additional tree plantings. The use as an office building and associated garage is an allowable use within the M (Manufacturing Zone) and also within the AEOZ (Airport Environs Overlay Zone) because there are land use compatibility measures that have to be met for uses in this area. For parking, they are meeting the parking requirement. In this case, parking is at a rate of 1 space per 800 SF of floor area. We utilize the office building for that calculation finding that the garage will have likely vehicles that are parked in it for storage or minor maintenance operations for the most part. They are providing their bicycle parking associated with the office building. Site access, as you can see, is a single entrance point from Lafferty Lane and that will be subject to a DelDOT review process for that entrance. Along Lafferty Lane, we do see them proposing to construct sidewalk from that entrance to the eastern property line. They are seeking a waiver of the elimination of sidewalk installation along the balance of the property that is moving to the west from this site entrance. While the Planning Commission can consider a variance or a waiver request regarding that sidewalk, ultimately DelDOT is the final say as Lafferty Lane is a State maintained road. Additionally, they have requested a waiver for the partial elimination of upright curbing in some of their areas related to stormwater management to get those waters into a swale to then reach what is likely to become a dry pond scenario for their stormwater. That waiver is something that Planning Staff can authorize and we have done so. This project is a one-story building. The next image shows that it is basically one-story. It's a metal building and they are using a waits coating in a different color. The front elevation of the office building has this porch that expands across the front of it. That is the upper left image in this and then the views of the other facades of the building show a series of windows. The next image is the view of the garage building. Again, making use of the metal system as well and a couple of locations of larger overhead doors. With this project in the M (Manufacturing Zone), it is subject to the Performance Standards Review Process where the applicant has to respond to whether or not the project would create any of the objectionable elements. That is further detailed in Page 7 of the DAC Report and in the applicant's response to that. So that will be something that the Planning Commission needs to consider as part of this Site Plan Application review. We have two Waiver

requests. The first one being that elimination of sidewalk installation along kind of the western balance of the overall property. The Waiver Request for upright curbing, Staff has already approved it. Our other plan review comments are noted in the DAC Report beginning on Page 8. Recommendations that we have noted include really for them to take a look at what the stormwater management requirements are going to be and to try to focus on a dry pond design given the proximity to the Air Force Base to the south of this location. The garage building itself is slightly within one of the Noise Zones which would require some noise attenuation provisions to be met but there may be ways to minimize the intrusion of that building into that site. Then also is the Performance Standards Review Application. She does want to note that we also identified that there is a proposed street on an adjacent property that has not been constructed as of yet. It is known as Construction Drive. We believe that it is probably south of the development area but wanted to make them aware of it in case future planning for redevelopment of the balance of this site could make use of that proposed City street network that's planned for at least the property to the east of the subject site. The Development Advisory Committee Report also contains the comments from the other regulatory agencies including Public Works, the Department of Water/Wastewater, the City's Fire Marshal's Office, DelDOT, the Kent Conservation District and the Dover Kent County MPO.

Mr. Moore stated that they prepared the plans and have fully reviewed and agrees with all of the comments from the DAC. Just a clarification on the sidewalk and our Waiver Request; we are not objecting to putting a sidewalk there, we just want to schedule that when we develop that piece of the property.

Mr. Witham stated that he thinks their letter indicated that you will be installing it along the frontage of the proposed project area. Responding to Mr. Witham, Mr. Moore stated that is correct. They are going to put the sidewalk in right in front and then as the other part develops, they will connect that all together. So, it's really not a Waiver Request; it's a phasing request.

Mrs. Maucher asked if they grant the Waiver Request for this project, they will need a Site Plan for the other portion of the project in which case they would have the sidewalk requirement. Is that correct? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the Code talks about sidewalk along the property frontage. In this case, there is only a small portion of the property that is proposed for development at this time and that is where they are proposing to do the sidewalk. Technically, our Code would say that you install the entire sidewalk for the entire property at this point in time. They are looking for an option to phase, which she thinks you could reasonably consider as part of a Waiver Request; however, she will note that the installation of all or only a portion of the sidewalk will be subject to DelDOT review and they (DelDOT) certainly, in this case, have the final say when it comes to that sidewalk. She knows that DelDOT has a couple of options related to some fees-in-lieu and to hold some things in abeyance too, but tonight you could certainly recommend a Waiver Request to allow that phasing of it noting that future development would most certainly require that continuation of sidewalk.

Mrs. Maucher stated that her other question would be, is there other sidewalk along Lafferty Lane or is this going to be a sidewalk to nowhere? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that there have been other projects to the north and east of this location where

sidewalk has been constructed recently or is in the works. This is near the Dover Industrial Park site so there is sidewalk as part of that project. There are certainly gaps along Lafferty Lane, but some of that is because properties have not developed or have developed prior to such regulations.

Mr. Witham opened the public hearing.

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

Mr. Prebula stated that they are in support of this project. This Lafferty Lane area is a growing area and continues to attract new businesses and create jobs for this area. This is a company that is looking to do just that by creating jobs for Dover and the County. For those reasons, they ask that the Commission please support this project.

Mr. Witham closed the public hearing.

Dr. Jones moved to approve S-26-02 – R.E. Pierson Regional Headquarters (Office, Garage and Contractors yard) at 30 Lafferty Lane to include the Waiver Request for the partial elimination of upright curbing which will be phased in and future development would require the remaining sidewalk as well as consideration for compliance with the Performance Standards Review Application, seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote with Mrs. Denney and Mr. Baldwin absent. Dr. Jones voting yes; for reasons stated in the motion. Mr. Reaves voting yes. Mrs. Welsh voting yes; for reasons stated in the motion. Mr. Lewis voting yes. Mr. Roach voting yes. Mrs. Maucher voting yes; based on DAC comments. Mr. Witham voting yes; based on the DAC comments, the presentation, and the applicant should be aware that we are not the final authority on the curbing on a DelDOT maintained road.

S-26-03 – The Enclave Apartments: Revised Walker Road Apartments – Public Hearing and Review of a Site Development Application for the construction of two (2) three story, garden style apartment buildings consisting of twenty-four (24) units each for a total of 48 units. Also proposed are a Clubhouse, parking lot improvements, and four (4) outdoor recreation areas. The property is zoned RM-2 (Medium Density Residence Zone). The subject site consists of one parcel totaling 6.08 acres +/- located on the north side of Walker Road and west of Independence Boulevard. The owner of record is Dover Synergy Group, LLC. Property Address: unaddressed parcel on Walker Road. Tax Parcel: ED-05-067.18-01-71.00-000. Council District 4. *Waiver Request: Partial Elimination of Upright Curbing. For Consideration: Active Recreation Area Plan. The project was previously reviewed as S-23-22 Walker Road Apartments in December of 2023; that plan is being superseded.*

Representative: Mr. Tolano Anderson, Owner; Mr. Rich Sinegar, Scott Engineering

Mrs. Melson-Williams stated that this is a Site Plan for The Enclave Apartments located on Walker Road. It is a just over 6 acre area of land that is zoned RM-2 (Medium Density Residence Zone). Their proposal is for a project of two apartment buildings which would consist of a total of 48 units. The other building on the site is a Clubhouse building that also includes their leasing office. This project may look slightly familiar. There was a Plan, S-23-22 for a project called Walker Road Apartments that the Planning Commission granted conditional

approval of in December 2023. That plan has now expired and this is a slightly different configuration of the proposed development for this property. The RM-2 (Medium Density Residence Zone) does allow for apartments as one of the allowable uses. For apartments, the parking calculation is based on a dwelling unit calculation and also additional space related to any onsite offices. So, they are providing a total of 115 parking spaces which satisfies that parking requirement. They have also identified a number of bicycle racks throughout the site to meet the bicycle parking requirement. They did make a request for a waiver for the partial elimination of curbing. There is a rear emergency access drive that encircles to the rear of the buildings. You find that along what are the left and the top of this plan drawing. Planning Staff has authorized that Waiver Request to eliminate curbing in that area. The balance of the entrance drive coming into the site and the parking area does have the upright curbing. Related to sidewalks, this site has a narrow access drive that comes in off of Walker Road. That will be flanked by sidewalk leading into the site which then circulates through the parking lot areas and to each of the buildings. There is existing sidewalk along the frontage of Walker Road for this parcel and for its single family house neighbors that are there directly on Walker Road. As noted, there is a rear emergency access requirement and the Plan is providing that. The project includes lighting. There is in this lower right hand corner, a stormwater management pond that is a DelDOT facility. It is actually now part of the right-of-way for Walker Road it seems; so, we are asking for a Record Plan to definitively show that along with any easements for this project to make use of that stormwater pond as part of their drainage plan. This project, as she noted earlier, has an Active Recreation Area Plan and that was reviewed by the City's Parks, Recreation and Community Enhancement Committee earlier this month. They did recommend its approval. There is a separate report document that focuses specifically on the Recreation Plan for this project. It meets one of our exemptions finding that it's a small development which then means that its Active Recreation Area requirement is a minimum of 150 SF per dwelling unit or a minimum of 10,000 SF. They are just over that as long as the Clubhouse area continues to provide some active recreation in addition to the office that is proposed there. The other components of the Active Recreation Area include a half-court basketball, a volleyball court and then two areas which appear to be lawn areas for other types of active recreation. The building also has requirements for tree planting. This site does consist of woodland areas and we have asked for a little bit better definition of what those existing areas are and what will be proposed for clearing. The Plan data column indicates that there are 4.19 acres of existing woods and they are proposing to remove 2.09 acres which gets them just under the 50% maximum clearing so we want to make sure that they are fully compliant with that. From a tree planting perspective, they are maintaining woodland but then for the non-woodland areas of the balance of the site, there are tree planting requirements. They will need to be planting at least 58 trees. Their Plan currently shows 61 to meet that requirement. This property is a little unique in that the eastern part of the site is transversed by somewhat of a ditch network and wetland area which then necessitates a wetland buffer. They are looking to make use of the wetland buffer at a 30 foot distance which means there are riparian plantings of trees and other vegetation as well as bank stabilization that must be implemented in order to reduce that buffer to 30 feet. The project went through the Planning review comments that start on Page 7. As noted in our recommendations, the Planning Staff has approved the elimination of upright curbing for a portion of the site and we provide some guidance notes regarding the woodland clearing and that wetland buffer. Then we are certainly encouraging them to think about bicycle parking opportunities and whether some of those could be covered in some fashion or interior to buildings. We certainly encourage

planning for electric vehicle charging options. We did recommend that Record Plan to clearly place the stormwater management pond in the right-of-way because right now on our mapping, it appears that it's part of the main overall parcel. Additional comments were provided to glean some more details regarding that Active Recreation Area Plan. The other agencies have provided comments as part of this including the Public Works Department, the Department of Water/Wastewater, the Fire Marshal's Office, DelDOT, the Kent Conservation District, and Dover/Kent County MPO. Those all make up the Development Advisory Committee comments that are presented here. The next image does show an example of the architecture for the project. As noted, it's a three-story building with a mix of materials and a hipped roof structure. The next image shows a similar format for the one-story Clubhouse at this location.

Mr. Anderson stated that as you can see, the Plan that the Commission approved in 2023 has been tweaked but he doesn't think that its overall significantly. He does want to point out a couple of things. They are excited about the project and he is here to speak on behalf of the application. Affordable housing is still a problem in our city. There is just a need for more and more housing so we think that this project answers the mail on that with its 48 apartments. We are excited to be able to provide housing, maybe for some of those people from the Bayhealth application. We are certainly in agreement with the DAC comments. We've appreciated the process with them and with the Planning Staff. Everything looks good and you can see that there have been some changes. They think it is going to be a good use of that land and a good use providing housing for the people who need it.

Mrs. Maucher stated that on the stormwater pond, DelDOT owns it and you would have access to it. Is that what she is understanding? Responding to Mrs. Maucher, Mr. Anderson stated yes, that is the plan.

Mrs. Maucher asked if that is a pretty common occurrence. Could DelDOT say "no, you're not using our pond; you have to do your own?" Responding to Mrs. Maucher, Mrs. Melson-William stated yes and yes. The stormwater management pond, they believe, was an existing facility built when they made improvements to the Walker Road corridor a number of years ago. It is somewhat interconnected with the drainage ditch that runs through this site and the wetland area. This project will have to account for stormwater management and if there is this opportunity to make use of that pond, it may have been designed in order to accommodate future development. But that is something that they will have to prove with the Kent Conservation District and ultimately seek permission with DelDOT.

Mrs. Maucher further asked if DelDOT would then still have maintenance control or would it go to the apartment owner? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that she believes the question of maintenance would be part of any kind of authorization to outfall into it and as to the maintenance responsibilities long term.

Mrs. Maucher asked for apartments, are you looking at single, double, or three bedroom apartments? Responding to Mrs. Maucher, Mr. Anderson stated that they are looking at a combination.

Mrs. Maucher further asked if they will have elevators. Responding to Mrs. Maucher, Mr.

Anderson stated that there would be stairs.

Mr. Witham stated that he gathers from Mrs. Melson-Williams comments that the maps may somewhat need to be tweaked because she is saying that there is some impact on this stormwater drainage. Responding to Mr. Witham, Mrs. Melson-Williams stated that they have additional work to do to fully define what their stormwater management plan is for the site. She's not sure if the engineer can speak to where their current work on that is regarding the site overall and this existing pond.

Mr. Sinegar stated that they are working with DelDOT. It was originally a piece of this property that was cut out back in 2002 when the Walker Road project was done and there is deed for that project. The mapping wasn't corrected but there is a deed for that property that is now State right-of-way. So, that's where Mrs. Melson-Williams was looking for a Record Plan to justify that, but we are in the process of talking to DelDOT and making sure there is capacity for it. There will be a maintenance agreement and there will be a shared use agreement for that. We are in the process of working with DelDOT for that.

Dr. Jones stated that Mr. Anderson mentioned the area being very much in need of affordable housing. Can you speak to "affordable"? What range in pricing are you looking at? Responding to Dr. Jones, Mr. Anderson stated that looking at the economy today, that's a moving target. He would say what's affordable in his personal opinion is what an average family could afford in the current market conditions. Now that's changing; if we actually look at what the market's done just in the last twelve months you can see significant changes in what housing runs for. We have maybe 25 individual rental units right now and those rents are moving significantly higher than what most people can afford. Our objective here is to create an apartment complex that will be reasonably priced based on the actual market. It would be unfair to try to predict what that would be at this point.

Dr. Jones stated that she was a little surprised to look in your Active Recreation Area Plan, given where the apartment buildings will be and I didn't see an opportunity for pickle ball. Pickle ball is one of the fastest growing sports. You have basketball and volleyball. Did you consider that at all? Responding to Dr. Jones, Mr. Anderson stated no, he had not considered pickle ball, but we will certainly put that into consideration.

Dr. Jones stated that it may even bring some clients.

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

Dr. Jones asked if there were any comments from neighbors received. Responding to Dr. Jones, Mrs. Melson-Williams stated that there was no written correspondence received. She is not sure that we had any individuals who came in to ask about this one either.

Mrs. Welsh moved to approve S-26-03 – The Enclave Apartments: Revised Walker Road Apartments inclusive of the consideration for the Active Recreation Area Plan and also for the Waiver Request for the partial elimination of upright curbing, seconded by Mr. Lewis.

Mr. Witham asked if the DAC comments mentioned any ADA ramps at the end of the sidewalks. Responding to Mr. Witham, Mrs. Melson-Williams stated that she believes that is one of the comments that would need to be clarified. Any time that a sidewalk interconnects with the parking drive aisle, the appropriate ADA accessible ramps are required. So its not just at the entrance but internal to the site as well.

Mr. Witham stated that it is his understanding that the applicant does agree with the DAC comments.

Mrs. Welsh moved to approve S-26-03 – The Enclave Apartments: Revised Walker Road Apartments inclusive of the consideration for the Active Recreation Area Plan and also for the Waiver Request for the partial elimination of upright curbing, seconded by Mr. Lewis and the motion was carried 7-0 by roll call vote with Mrs. Denney and Mr. Baldwin absent. Mrs. Welsh voting yes; the plan seems to be a good re-do of the previously approved plan that lapsed, so she thinks it's a good use of the space. Mr. Lewis voting yes. Mr. Roach voting yes; we need housing in this area desperately. Mrs. Maucher voting yes; based on DAC comments and the applicant's agreeableness to the DAC comments and she also recognizes the need for additional housing in the area. Dr. Jones voting yes. Mr. Reaves voting yes; for reasons previously stated. Mr. Witham voting yes; the applicant does agree with the DAC comments and it's certainly a given that Dover does need additional housing that meets the needs of the public. This appears to be a plan that will meet that requirement.

S-26-04 – DuPont Plaza at 747 N. DuPont Highway: Revised Master Plan – Public Hearing and Review of a Revised Site Development Master Plan with Minor Subdivision Plan to permit phased construction of a retail center known as DuPont Plaza. The center consists of four buildings totaling 44,366 SF and is to be constructed in phases. The buildings proposed include a 7,440 SF Building A - Retail; 12,950 SF Building B - Retail; 2,046 SF Building C – Restaurant; and 21,930 SF Building D – Retail (Tractor Supply). The property consists of 9.954 acres and is proposed to be subdivided into multiple lots. The property is zoned SC-2 (Community Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of North DuPont Highway and south of Leipsic Road. The owner of record is Rojan 15 DD, LLC. Property Address: 747 North DuPont Highway. Tax Parcel: ED-05-068.05-01-15.00-000. Council District 3. PLUS #2018-02-02. *Waiver Requests: Subdivision Waiver – Lots without Public Street Frontage. This site was subject to S-19-03 Retail Center at 747 N. DuPont Highway: Master Plan reviewed by Planning Commission in 2019 with its Final Plan approval issued in 2021 along with Administrative Site Plan S-19-18 DuPont Plaza: Phase I; the plans are expired. A proposed*

Representative: Mr. Doug Liberman, Larson Engineering Group; Mr. Bob Aerenson (virtual); A representative of MSP Development

Mrs. Melson-Williams stated that this is a Site Development Master Plan for DuPont Plaza located at 747 N. DuPont Highway, known years ago as the Berry Van Lines site. The property is zoned SC-2 (Community Shopping Center Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone). This property in conjunction with the adjoining property to its east

where The Edge Apartments is under construction, make up the area that's zoned SC-2 (Community Shopping Center Zone) and meet that land massing requirement. As such, the two projects share an entrance drive that comes from Leipsic Road to access both properties. The project is proposed and consists in this version of a Master Plan to be four (4) buildings. The property is located along the east side of N. DuPont Highway so at that point, there is a right-in right-out entrance that leads to circulation drive aisles throughout the complex. Then you can see on the left hand side that other drive that goes back over to Leipsic Road. There are four buildings that are proposed and we know the most about the one at the top of the screen which has been identified as a potential location of a Tractor Supply building and kind of garden center area. For all of the buildings, retail uses are allowed and there is also as designed here, one of the buildings that potentially could be a restaurant with drive through. With a Master Plan, what is presented to you is their concept and then each phase will have to submit an Administrative Site Plan for review of that specific phase for its details. With this project, our Report noted all of those previous Master Plans. With this one, it consists of four phases, four buildings, and a building in each phase. They are also proposing a Minor Subdivision. It's a little hard to see on these images but there is a proposal to set the Tractor Supply area as one lot and then the building closest to DuPont Highway on another lot and then the intervening areas on a third lot. What that then leads us to is their Subdivision Waiver Request. This configuration of lots ends up with at least one lot that has no frontage at all on a public street and then another lot that has very limited frontage. The *Land Subdivision Regulations* for the City of Dover as part of our Code in Appendix A do allow for waivers of the Subdivision Regulations. We think because this is meant to function as an overall shopping complex, that it is reasonable to consider these Subdivision Waivers in order to place individual areas on individual lots; however, they will have to be linked together by easements related to circulation, access, and utilities. With the property being in the SWPOZ (Source Water Protection Overlay Zone), there are some limitations related to use. There are early versions and it may still appear in some of your plan sets that the building closest to DuPont Highway potentially could be an America's Tire facility; however, Staff has determined that that use is a type of motor vehicle service which is not allowed in the SWPOZ (Source Water Protection Overlay Zone). Additionally, there are impervious surface coverage limitations with that SWPOZ (Source Water Protection Overlay Zone) and with some caveats that the Master Plan review process can allow a larger area to be impervious if an Excellent Recharge Area for stormwater management is designed. They will be working through the process to definitely determine that and previous project designs were able to achieve that. From a parking standpoint, parking is based on square footage and this, as required, meets the parking requirements and then some. There is over 142 regular parking spaces plus additional handicapped parking spaces that are proposed with the project and then they should also provide bicycle parking spaces at the site. As noted, site access comes from N. DuPont Highway and from Leipsic Road. The design of those entrances is subject to DelDOT review. They are showing sidewalk along the DuPont Highway frontage with sidewalks leading into the site and circulating the site. Likewise, the entrance location from Leipsic Road has sidewalks planned and some of that has actually been built with the construction of the apartments that is underway on the adjacent property. With the Master Plan, a lot of times we do not have full building architecture. They did in their submission provide us information on the Tractor Supply location and what that rendering does look like. The rendering on the screen shows the potential version of the Tractor Supply. You can see all four elevations and there has been some discussion with the applicant to continue that red banding that we see on some of the

facades around to the rear which is the bottom image on this screen, as that will be visible from the adjoining parking areas and that entrance drive that is shared with the apartments. As they move into development of the other phases of the project, the architecture for those buildings would need to revisit the Planning Commission. For tree plantings requirements, they are meeting those. There is a requirement to plant 145 trees throughout the site. They are in some cases used as screening opportunities, in other areas on the perimeter for the screening, and then also throughout the parking lot areas and islands. The project also requires that Arterial Street Buffer that's along the frontage along DuPont Highway. That is an area of thirty (30) feet in depth and they are providing that with this plan design. The Planning Staff noted our various comments for the project. Some of our recommendations focus on the fact of the opportunity for the Tractor Supply change in architecture. We are recommending in favor of the Subdivision Waiver finding that this is a project that is overall linked together and for financing and long term ownership of this, they will be forever linked even if individual buildings are placed on individual lots. The Development Advisory Committee Report includes the information and comments from the other regulatory agencies including the Department of Public Works, the Department of Water/Wastewater, the Fire Marshal's Office, DelDOT, the Kent Conservation District and the Dover/Kent County MPO.

Mr. Liberman stated that Mrs. Melson-Williams does a nice job going over everything but he will go back through and kind of hit the high points. DuPont Plaza was the abandoned Berry Van Lines site located at 747 N. DuPont Highway. The site is generally located at the southeast corner of Leipsic Road and Route 13. The area is largely commercial all the way around. We have apartments for Silver Mill and The Edge that are nearby and he thinks the closest housing lot is over 850 feet from the site. The site has gone through the Brownfield Remediation and has had a few attempts at being developed over the past 15 years. The last approved Master Plan was done on the site in 2019. Development was for four buildings totaling 62,200 SF at that point. Ultimately, that project did not move forward mostly due to COVID-19. The owner had signed leases for the bulk of the development but he did not want to hold those companies to those deals as he wasn't sure and they weren't sure what the business climate was going to be coming out of COVID. It has taken six (6) years now for us to get to this point where they are ready to move forward. Tonight, we have a Revised Master Plan for the four buildings totaling 44,366 SF. This includes a 21,930 SF Tractor Supply Co store on the rear of the parcel. There are ongoing negotiations with tenants for the other three buildings. Our plan tonight is to hopefully get Planning Commission approval for the Master Plan and then move forward with Tractor Supply plans, the entrance plans off Route 13, and the internal drive aisles. We would then acknowledge that if there are major changes to the Plan and building layouts for the others that we have to come back to the Commission to present those changes. The site is served by two entrances as Mrs. Melson-Williams mentioned: a rights-in and rights-out on Route 13 and full access off of Leipsic Road. The access off of Leipsic Road has already been constructed. We will have to make an application to DelDOT to re-approve the entrance on Route 13. They will have to verify the traffic counts and everything for the site, but given that we have less square footage, we are going to have less traffic trips. Traffic trips are what determine the length of our turn lanes; so, what's already been approved should be approved again. But those are the famous last words and we will see how that goes. We acknowledge that we have to deal with DelDOT. The site is located within the SWPOZ (Source Water Protection Overlay Zone). We will be infiltrating a large portion of the runoff from the site to meet the standard of the Superior Infiltration Design.

We are decreasing the impervious from what was originally on the Berry Van Lines site of 77.4% and even from the previously approved plan which was 74.9% down to the 71.3% that we are showing on the site. We did meet with Kent Conservation District to discuss a path forward with the review of our plans. We plan to use the original design. If you take a look at the pond on the upper left corner of the site that is the original pond that was called for in the other plans and they have an underground infiltration system on the front pad. We are also proposing to keep that. So, we just have to work out the sizes on those based off of what we have flowing to those but he thinks that the original layout and sizes that they have are going to be more than enough for what we need to do to provide stormwater management for the site and meet infiltration requirements of the Source Water Protection Area. The site previously had an approved Comprehensive Sign Package. We intend to update that package and present it to you once we get a couple more tenants in and definitely before Tractor Supply goes to construction. So, we will be back for that package and again, prior to construction. We reviewed the DAC comments and are in agreement with them with the exception of Comment 6 and he doesn't know if we are necessarily in disagreement with what Mrs. Melson-Williams had in the Report, but that's the one that relates to the 1,000 gallon above ground propane tank. Within the SWPOZ (Source Water Protection Overlay Zone), we are not allowed to have what the Code calls "gas tanks." Propane is stored under high pressure when it's a liquid but when it's introduced to atmosphere, it becomes airborne gas. It is not a liquid so it does not infiltrate into the ground and does not become a groundwater contaminate. At this point, we are waiting for DNREC to weigh in on that matter but they wanted to point out the propane is naturally an airborne gas and not a liquid gasoline. There is a definite difference where propane is not very soluble with water so groundwater would not be an issue with allowing the propane tank on the site. We do understand that the architectural elevation for each additional tenant need to come back before Planning Commission for review and actually it is going to be a good way to update the Commission as to the status of the development and give you a say in kind of what's going on. At that point, Mrs. Melson-Williams did mention the comment about carrying a red band around the back of the building and he believes that the developer agreed to do that so that will address Mrs. Melson-Williams' comment towards the architecture. We did not have any concerns with the comments from the City of Dover Department of Public Works and Water/Wastewater, Fire Marshal, DelDOT or the Dover/Kent County MPO that were listed in the DAC Report. Again, Mrs. Melson-Williams mentioned the Subdivision Waiver for the project from the Appendix A-Subdivision, Article IV E.5 which requires each lot to have frontage on a public street. In this case within this zoning district, we have to have 150 feet of frontage for each lot. For the three proposed lots, we have one lot with legal frontage at 289 feet, one with minimal lot frontage with just a hair over 75 feet and then the Tractor Supply at the rear of the site which does not have any frontage. As you can see from the layout of the site with only 367 feet along Route 13 trying to get frontage for these parcels really doesn't work so we have to really rely on that Subdivision Waiver to provide the individual lots that are necessary for this development. Granting this Waiver would not set a precedent as he believes that the Center at Dover has the same type of situation with commercial lots that do not front on public streets and again, how the development looks and operates does not change if the Waiver is granted. Therefore, we would like to request approval of the Revised Master Plan for DuPont Plaza conditioned upon the DAC comments and obtaining all agency approvals.

Mr. Lewis stated that he is intimately familiar with this site. He worked almost 10 years at Dover

Motor Speedway and he lives due south of here just north of the lake. Literally anything at this lot would look better than how it looks now. It's just empty and blank and there are plenty of opportunities for growth and building and new businesses on our main corridor on Route 13 and this is one of them. He is looking forward to seeing what's coming there. Responding to Mr. Lewis, Mr. Liberman stated that he thinks this is one of the last really open parcels on Route 13.

Mr. Lewis stated that there are a couple but there are several empty storefronts and he is happy to see that this is reaching this phase.

Mr. Witham asked what was going to happen to the Tractor Supply Store south of Dover in Camden. Responding to Mr. Witham, Mr. Liberman stated that it is still going to be there. The place looks busy every time he drives by.

Mrs. Maucher asked if the propane was for resale. Responding to Mrs. Maucher, Mr. Liberman stated yes.

Mrs. Maucher further asked if the access off of Route 13 and Leipsic is part of the Phase I for the Tractor Supply, correct. Responding to Mrs. Maucher, Mr. Liberman stated that the access off of Leipsic Road is already there and then as part of Phase I, yes we are going to be constructing the entrance off of Route 13.

Mrs. Maucher asked if it would be inclusive of the sidewalk. Responding to Mrs. Maucher, Mr. Liberman stated yes.

Mr. Witham stated that he assumes that the propane to be sold is going to be sold much like you would see at Home Depot or Lowes. Responding to Mr. Witham, Mr. Liberman stated that you would bring your jug and then they refill it at the store. It's not like Lowes or Home Depot; they have the big racks where you pay your money, drop your tank in and grab a new one. This is just you bring your tank and they fill it.

Mr. Witham asked Mrs. Melson-Williams if that requires a waiver from the Commission. Responding to Mr. Witham, Mrs. Melson-Williams stated that the question about the above ground storage tank for the propane is something that we identified during the review process and Planning Staff (our Planning Consultant that was working on this) has reached out to DNREC. There has been some initial conversation, but she is not sure that we have everything totally formally in writing as of yet. We did ask that question as to whether this would be something that would impact groundwater. There is certainly a permitting process with DNREC for above ground storage tanks of a certain size anyway, but we need to have the question clarified about whether it's allowed in the SWPOZ (Source Water Protection Overlay Zone). We are certainly working with the applicant to figure that out at this point. There is not really an action that the Planning Commission specifically needs to do with that. It is just going to be a question of zoning verification compliance if that use is allowed in the SWPOZ (Source Water Protection Overlay Zone).

Mr. Witham asked if that means that any motion to approve the application will have to be subject to zoning compliance. Responding to Mr. Witham, Mrs. Melson-Williams stated yes, any

motion would be subject to that. She thinks there is a comment as referenced by Mr. Liberman about it in our DAC Report. In Section VIII, Number 6 talks about that propane filling station aboveground storage tank and that we are further evaluating whether that is zoning compliant at this point.

Mr. Aerenson stated that if there were any questions, he would be happy to answer but he thinks Mr. Liberman did a fabulous presentation. He thinks the Commission has all of the information that you need and we appreciate this court.

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

Mr. Lewis moved to approve S-26-04 DuPont Plaza at 747 N. DuPont Highway: Revised Master Plan with acknowledging the Subdivision Waiver with the public street frontage and also acknowledging that some of the outstanding issues may be subject to zoning requirements and/or the purview of Council, seconded by Mrs. Maucher and the motion was carried 7-0 with Mrs. Denney and Mr. Baldwin absent. Mr. Lewis voting yes; again, it is a much needed project for that area. Mr. Roach voting yes; he agrees that it is definitely needed. Mrs. Maucher voting yes; based on DAC comments, the presentation from the applicant, and she concurs that it is a needed project. Dr. Jones voting yes; based upon previous comments. Mr. Reaves voting yes. Mrs. Welsh voting yes; for reasons previously stated. Mr. Witham voting yes; based on the presentation, the comments received tonight by the Commissioners, and the DAC recommendations.

NEW BUSINESS

No items of New Business.

PUBLIC COMMENTS OPPORTUNITY

No members of the public spoke.

Meeting adjourned at 8:52 PM.

Sincerely,

Kristen Mullaney
Secretary



PETITION TO ANNEX AND REZONE PROPERTY
Development Advisory Committee Meeting of February 4, 2026
Public Hearing Before Planning Commission on February 17, 2026

File Number:	AX-26-01
Ordinance Number:	2025-23
Applicant/Owner of Record:	Lupe N. Fuller
Property Address:	7 Nixon Lane, Dover DE
Tax Parcel ID #:	ED-00-068.19-01-28.00-000
Lot Size:	0.9533 acres +/- (41,526 SF)
Present Zoning:	RS-1 (Residential Single Family Zone)
Proposed Zoning:	R-8 (One Family Residence Zone)
2019 Comprehensive Plan Designation:	Category 1: High Priority Annexation Areas
2019 Comprehensive Plan Land Use Category:	Residential Medium Density
Present Use:	Single Family Detached Dwelling
Proposed Use:	Single Family Dwelling and potential future subdivision of vacant area into multiple lots
Utility Availability:	<u>Electric:</u> 7 Nixon Lane is currently served by City of Dover Electric. With any future redevelopment of the property, the electric service needs will be evaluated. The property owner will be responsible for any and all costs associated with the changes of electrical service needs related to any future redevelopment including extending and providing service upgrades to the proposed property. <u>Water and Sanitary Sewer:</u> 7 Nixon Lane is not served by City of Dover Water. 7 Nixon Lane is not served by Sanitary Sewer. The property owner has not contacted the Department about the possible connection to these services. Water and Sanitary Sewer

are available to this property. The property owner is responsible for any and all costs associated with extending and providing service upgrades to the property. This may include, but not limited to, tapping the sanitary sewer and water mains, connection to the building for both utilities, purchasing appropriately sized water meter and pit, paying impact fees, and obtaining permits.

**Staff Recommendation
for AX-26-01:**

The Electric Department has no objection to the annexation.

The Department of Water and Wastewater has no objection to the annexation.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: February 4, 2026

City of
Dover
Planning
Office

Item 2.

APPLICATION: Annexation of Lands of Fuller at 7 Nixon Lane, Dover DE

FILE #: AX-26-01 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, AICP, Principal Planner
PHONE #: (302) 736-7196

Note: This Review Report was initially prepared by Staff of the Rossi Group (under a Planning Services contract with the City of Dover). The DRAFT Report was completed with additional review and editing by the City's Planning Office.

I. APPLICATION SUMMARY

Review of an Annexation Request and Rezoning Request for a parcel of land totaling 41,526 SF+/- (0.9533 acres +/-) located at 7 Nixon Lane. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed Zoning is R-8 (One Family Residence Zone). The property is located on the east side of Nixon Lane slightly north of North Little Creek Road. The annexation category according to Dover's 2019 Comprehensive Plan is Category 1: High Priority Annexation Area and the land use designation is Residential Medium Density. The property owner is Lupe N. Fuller. Property Address: 7 Nixon Lane. Tax Parcel: ED-00-068.19-01-28.00-000. Proposed Council District 3. Ordinance #2025-23.

Existing Property

The property is located on the east side of Nixon Lane near the intersection with North Little Creek Road. The subject parcel is contiguous to the City boundary north of the subject parcel (55 Nixon Lane) and west across Nixon Lane (30 Nixon Lane and 1335 East Division Street). The parcel is part of a larger group of parcels on Nixon Lane and Acorn Lane that makes up an enclave that is surrounded by the City. The property includes an existing single-family detached dwelling on the south end of the parcel. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County.

Surrounding Land Uses

The property is surrounded by residential properties, some in the City and others in unincorporated Kent County, mostly developed with single-family detached dwellings. One of the parcels to the west, across Nixon Lane in unincorporated Kent County, has manufactured homes on it. Other lots on Nixon Lane that are within the City of Dover are zoned RM-1 (Medium Density Residence Zone), R-8 (One Family Residence Zone), and R-20 (One Family Residence Zone).

II. COMPREHENSIVE PLAN COMPLIANCE REVIEW

In the 2019 Comprehensive Plan, the Potential Annexation Areas (Map 13 -1) identifies the property in the Category 1: High Priority Annexation Areas. The Growth and Annexation Plan

Chapter (Chapter 13) notes that “Lands in this category are primarily enclaves of unincorporated territory mostly surrounded by the City of Dover. In all or most of these cases, the City provides these parcels with one or more essential service (sewer, water, police, fire, trash).” For Category 1: High Priority Annexation Areas, it notes in the Recommendations that “the City will not extend sewer and/or water infrastructure to Category 1 areas unless the property owners annex into the City” with consideration given for issues of health, safety and welfare.

The *2019 Comprehensive Plan* also sets the review criteria for the review of zoning for parcels being proposed for annexation. Chapter 13, page 13-9 notes that the Zoning Review may include:

- Proposed zoning be in compliance with the land use category shown on Map 13-2 and used in conjunction with Table 12-1: Land Use and Zoning Matrix;
- Character and compatibility of the surrounding land uses and properties;
- The street type and capacity serving the property;
- Environmental concerns and conditions that may influence land use and zoning;
- Market concerns and conditions;
- The compatibility with the overall goals of the Comprehensive Plan.

Map 13-2: Potential Land Use for Annexation Areas identifies the Land Use Classification for this property to be Residential Medium Density. The goals and recommendations for the Residential Medium Density Land Use are listed in the *2019 Comprehensive Plan* excerpts presented below:

Goals: Residential Land Uses

To develop and maintain an adequate supply of housing of varying type, size, and densities that are aesthetically pleasing and located within neighborhoods designed or redesigned to promote convenience, conservation, and access to the greater community, but which are properly buffered through distance and landscaping from incompatible land uses.

Policies: Residential Land Uses

- Allow flexibility in housing styles and types while regulating gross density within residential developments.
- Require linkage streets and sidewalks between adjoining residential subdivisions and street right-of way stubs to adjoining vacant developable land.
- Encourage the separation of residential areas from incompatible uses through buffering distances and the use of transitional zoning categories.
- Encourage high density residential development in infill areas that are near essential services, public transit, and employment opportunities.
- Permit limited compatible neighborhood commercial uses that support surrounding residences within residential areas.

The following is an excerpt from the *2019 Comprehensive Plan* regarding Residential Medium Density Land Uses (page 12-4):

Recommendation for Residential Medium Density

Residential Medium Density land uses involve a maximum gross density of eight (8) dwelling units per acre. This type of development may include single family houses on smaller lots, duplexes, townhouses, and some apartments. Some Manufactured Home Park developments would also be considered Residential Medium Density. Medium density residential uses are permitted in the following zoning districts: R-8 (One Family Residence Zone), R-7 (One Family Residence Zone), RM-1 (Medium Density Residence Zone), RM-2 (Medium Density Residence Zone) planned to reflect the historic patterns and mix of land uses common to Dover's early development, RG-1 (General Residence Zone), RG-2 (General Residence Zone), RG-3 (Group Housing Zone), RGO (General Residence and Office Zone), and MH (Manufactured Housing Zone).

The Land Development Plan recommends that Residential Medium Density uses be permitted near existing and planned service and employment centers and in locations well supported by transportation infrastructure and mass transit services. Areas identified as Medium Density Residential can be looked at as potential receiving areas under a transfer of development rights program. Areas in the northern portion of the City are appropriate for Residential Medium Density development.

As part of the Land Development Plan, Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification of Residential Medium Density.

Residential Medium Density	R-10 (One Family Residence) R-8 (One Family Residence) R-7 (One Family Residence) RM-1 (Medium Density Residence) RM-2 (Medium Density Residence) RG-1 (General Residence) RG-2 (General Residence) RG-3 (Group Housing) RGO (General Residence and Office) MH (Manufactured Housing) C-1 (Neighborhood Commercial)
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III. ZONING REVIEW

Request for R-8 (One Family Residence Zone)

The applicant has requested the zoning of R-8 (One Family Residence Zone). The types of permitted uses in the R-8 (One Family Residence Zone) are provided in Article 3 §1 of the *Zoning Ordinance* and referenced sections. See the following Code excerpt:

Article 3 Section 1. – One Family Residence zone [(R-20, R-15, R-10, R-8, R-7)].

1.1 *Uses permitted.* In a one-family residence R-20, R-15, R-10, R-8 and R-7 zones, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

1.11 The raising of field and garden crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof, provided no building is erected and signs conform with [article 5](#), section 4.

1.12 One-family detached dwellings, not to exceed one such dwelling per lot.

1.13 Public buildings, structures and uses, including parks and playgrounds, subject to approval of site plans by the planning commission in accordance with [article 10](#), section 2.

1.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

- (a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with [article 5](#), Supplementary Regulations, section 14. Child day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:
 - i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.
 - ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.
 - iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.
 - iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.
 - v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.
 - vi. Courts shall conform to the requirements of [article 5](#), section 3 hereof.

(b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

(c) Country clubs or other annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, golf courses, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following operations shall be prohibited:

- i. Outdoor entertainment, live or mechanical;
- ii. The use of outdoor public address systems for any purpose; and
- iii. Exterior lighting producing glare at the lot line other than that essential for the safety of the users of the premises.

No building erected under the provisions of this paragraph [subsection 1.14(c)] shall be so erected nearer than 50 feet to any street or property line.

(d) Adult day care facilities in accordance with [Article 5](#)—Supplementary Regulations, Section 22—Adult Day Care Facilities.

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:

- i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and
- ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.
- iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
- iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals as pets, provided not more than three (3) dogs over six months old, shall be permitted.

(e) Keeping of chickens for individual domestic purposes subject to the following restrictions:

- i. Keeping of chickens shall not be permitted on lots smaller than 10,890 square feet in lot area.
- ii. No more than five (5) chickens shall be permitted on a residential lot.
- iii. Chickens shall be registered with the Delaware Department of Agriculture.
- iv. Chickens shall be penned in a coop that shall be at least four (4) square feet per chicken.
- v. All chicken coops shall be located in a rear yard and shall be a minimum of 20 feet from side and rear property lines.
- vi. Any odor associated with the chickens shall not be discernable from property lines.
- vii. Keeping of roosters shall be prohibited.
- viii. Any lot with chickens shall either comply with these requirements by June 1, 2016 or remove the chickens.

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.

(g) Customary home occupations, provided that:

- i. No display of products, goods and/or signs shall be visible from the street.
- ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.
- iii. Nonresident assistants or co-workers shall be prohibited.
- iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.
- v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

IV. RECOMMENDATION OF PLANNING STAFF:

The request for the R-8 (One Family Residence Zone) is for a zone that focuses on one-family residences (detached dwellings) on lots of a minimum 8,000 SF size.

Staff recommends the annexation of the property at 7 Nixon Lane and its rezoning to R-8 (One Family Residence Zone) be approved as requested. The subject property is in the City's Annexation Plan of the *2019 Comprehensive Plan* as Category 1: High Priority Annexation Areas with a Land Use Classification as Residential Medium Density. This is a High Priority Annexation Area since it is an enclave and will help fill in one of the holes in the City of Dover Boundary. The R-8 zoning is consistent with other development in the area surrounding this parcel which include a number of residential zones such as R-20 to R-8 and RM-1 zones. The R-8 zoning accommodates the current use of the property as a single-family dwelling and allows for future subdivision and development of the northern portion of the property. The property is also already served by the City electric.

This Annexation/Rezoning Request does not grant approval of a specific use for the property but makes its land use subject to a listing of uses permitted and potential conditional uses as allowed in the R-8 zoning district. Staff notes that any potential redevelopment for the site or changes of use for the existing building would have to be in line with the zoning classification and would similarly have to follow all development design guidelines of the *Zoning Ordinance*. Were the Application for Annexation/Rezoning to be recommended by the Planning Commission and subsequently approved by the City Council, the applicant would still have to submit Site Development Plans, Subdivision Plans, and/or Permits for review for any new use of the site or the building. At the present time, the property is expected to remain as a single family detached residence with the only improvements related to making connections to City water and/or sewer services as needed. There is potential for a future subdivision of the parcel into multiple lots.

The parcel meets the lot dimensions for a parcel zoned R-8 and the current dwelling appears to comply with the bulk standards for setbacks and lot coverage. Any non-conformity of the existing buildings' uses and placement regarding the bulk standards of the R-8 would be subject to the provisions of the *Zoning Ordinance*, Article 7 – Nonconforming Buildings and Uses.

This recommendation is being made without the benefit of hearing the comments of surrounding landowners and residents. A Public Hearing is required on this matter and the Planning Commission should give those comments consideration.

V. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

As part of the Annexation Request, the City of Dover zoning district is to be determined; therefore, it is a request for a type of zoning map amendment which changes the zoning district of a property. The Planning Commission as part of their public hearing and review process will provide a recommendation on the zoning to City Council. As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the Planning Commission must evaluate the following factors when considering the request:

Article 10 § 5.36 Report of the planning commission. Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

A Recommendation Report from the Planning Commission will be forwarded to City Council for their consideration of the Annexation/Rezoning Application.

ADVISORY COMMENTS TO THE APPLICANT

- 1) From the agency comments received, it appears that ability to provide City water and sewer is feasible due to the proximity to existing infrastructure along Nixon Lane. It would be the property owner's responsibility to cover all costs associated with extending and connecting services to the existing dwelling.
- 2) Regarding connection to City services (water and/or sanitary sewer) the applicant must contact the City's Department of Water & Wastewater for procedures, permitting and impact fees.
- 3) Upon annexation into the City of Dover, the property will be subject to the provisions of the *Dover Code of Ordinances*. This includes procedures such as review processes for plans for redevelopment or subdivision and permits for construction activities, licensing, etc.
- 4) The applicant shall be aware that approval of any Annexation & Rezoning application does not represent a Building Permit or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Office as soon as possible.



CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JANUARY 28, 2026



APPLICATION: Lands of Fuller at 7 Nixon Lane
FILE #: AX-26-01
REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater
CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater
CONTACT PHONE #: 302-736-7025
CONTACT EMAIL: jlyon@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. Our office has no objections to the proposed annexation of tax parcel ED-00-068.19-01-28.00-000. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook and the Specifications, Standards & Procedures for Public Works Construction. Impact fees will be applied to this property.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

SANITATION / STREETS / STORMWATER / GENERAL

1. None

WATER / WASTEWATER

1. As per the Petition to Annex and Rezone Property, as heard by the Council Committee of the Whole, please find the following:
 - a. 7 Nixon Lane is not served by City of Dover Water. 7 Nixon Lane is not served by Sanitary Sewer. The property owner has not contacted the Department about the possible connection to these services. Water and Sanitary Sewer are available to this property. The property owner is responsible for any and all costs associated with extending and providing service upgrades to the property. This may include, but not limited to, tapping the sanitary sewer and water mains, connection to the building for both utilities, purchasing appropriately sized water meter and pit, paying impact fees, and obtaining permits.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/28/26

APPLICATION: Lands of Fuller at 7 Nixon Ln

FILE #: AX-26-01 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is an annexation and rezoning request. This office has no objections.
2. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

One-family and two-family residential structures, height, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, *Arabic numerals*, all numbers shall be Arabic numerals.

Multiple-family dwellings, measurements, the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally,* numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

property line or driveway, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

Arabic numerals, all numbers used shall be Arabic numerals,

Shopping centers. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.
(City of Dover Code of Ordinances, 98-344)

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. N/A

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)

2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)

2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)

2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)

2009 IBC (International Building Code)

Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

2021 Delaware State Fire Prevention Regulations

City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

From: [Mobley, Will \(DeIDOT\)](#)
To: [Melson-Williams, Dawn](#); [Schwartz, Joshua \(DeIDOT\)](#)
Subject: EXTERNAL: DAC Comments 28 Jan 26 Staff Development Meeting
Date: Wednesday, January 28, 2026 5:04:46 PM

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Here are the comments from DeIDOT for the applications discussed in the DAC Committee Meeting.

AX-26-01 Lands of Fuller at 7 Nixon Ln

No objection to annexation.

AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels

No objection to annexation.

Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road

No objection to rezoning.

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

This project has an Entrance Plan Approval dated 5-10-23. Plan approval expires 5-10-26. Plans will need reapproval if no work is started before expiration date.

US-26-01 Dover Industrial Park Comprehensive Signage Plan

Ensure planned sign structure is outside of DeIDOT Right of Way. At a minimum the sign must be placed outside the clear zone of the state maintained frontage road and must not fall within the sight distance triangle located at the site entrance. Lastly Delaware Code 17 § 1108 Location and condition of advertising regulated. ---(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

Sincerely,

Will T Mobley III, PMP

Division of Economic Development, DELDOT

Interim Kent County Review Coordinator

Phone (302)-760-2409

Will.mobley@delaware.gov



KENT CONSERVATION DISTRICT

Item 2.

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

CITY OF DOVER DEVELOPMENT ADVISORY COMMITTEE APPLICATION REVIEW COMMENTARY FEBRUARY 2026

APPLICATION: Lands of Fuller at 7 Nixon Ln

FILE #: AX-26-01

REVIEWING AGENCY: Kent Conservation District

CONTACT: Cullen Baker

PHONE: 302-608-5370

EMAIL: stormwater@kentcd.org

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

Kent Conservation District has no objection to the annexation & rezoning request for the above referenced parcel.

ADVISORY COMMENTS TO THE APPLICANT:

In the future, if there is any proposed disturbance that will exceed 5,000 square feet, a sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.).

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 2/4/2026

**Dover/Kent
County
Metropolitan
Planning
Organization**

AX-26-01 Lands of Fuller at 7 Nixon Ln

FILE # AX-26-01 REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob PHONE #: (302) 387-6030

Attached, please find comments submitted by Dover Kent MPO for each of the current City of Dover Development Advisory Committee (DAC) applications. These comments are a part of the MPO's ongoing goals of promoting transportation safety and connectivity within the region. They are submitted in accordance with the support given by the MPO Council on November 6, 2024.

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

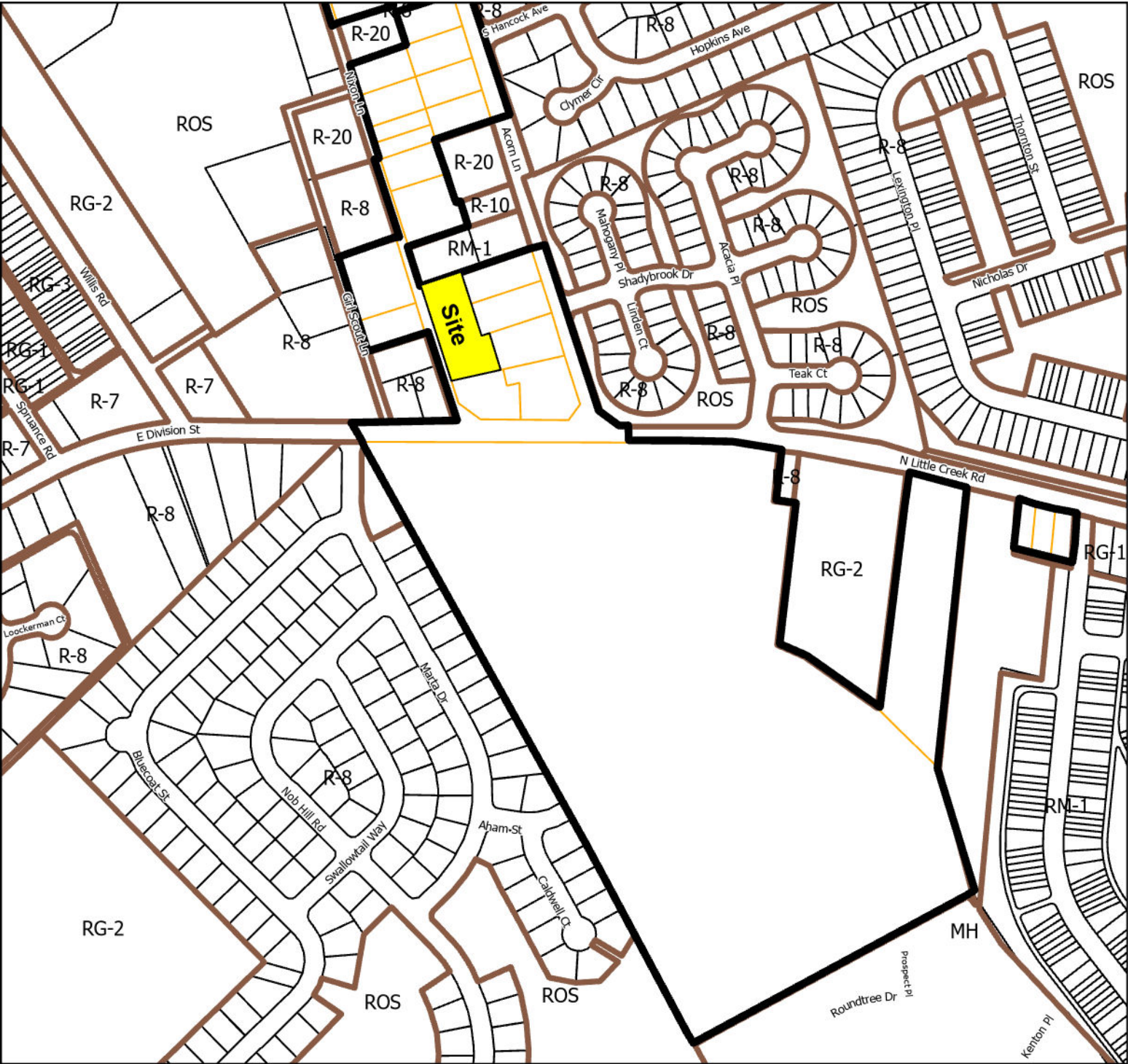
City of Dover Planning Commission
Annexation and Zoning Review

AX-26-01 Lands of Fuller at 7 Nixon Ln

The MPO has no objections to the Annexation Request and Rezoning Request. Further comments will be provided if changes to the property, such as subdivision or site development, take place at a later date.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.





Title: Lands of Fuller
Ordinance #: 2025-23
Addresses: 7 Nixon Lane
Parcel ID: ED-00-068.19-01-28.00-000
Existing Zoning: RS-1(Residential Single Family Zone)
Proposed Zoning: R-8 (One Family Residence Zone)
Owner: Lupe N. Fuller
Date: 12/2/2025

Legend

Subject Property

Dover Boundary

Zoning

Dover Parcels

Kent County Parcels







PETITION TO ANNEX AND REZONE PROPERTY
 Development Advisory Committee Meeting of February 4, 2026
 Public Hearing Before Planning Commission on February 17, 2026

File Number:	AX-26-02
Ordinance Number:	2025-24
Applicant/Owner of Record:	United Worldwide Express, LLC
Property Address:	1624 North Little Creek Road, Dover DE
Tax Parcel ID #:	ED-00-068.20-01-15.00-000
Lot Size:	5.12 acres +/-
Present Zoning:	IL (Limited Industrial Zone) RMH (Residential Manufactured Home Zone)
Property Address:	Unaddressed Parcel south of North Little Creek Road
Tax Parcel ID #:	ED-00-077.00-01-07.00-000
Lot Size:	3.15 acres +/-
Present Zoning:	RMH (Residential Manufactured Home Zone)
Property Address:	Unaddressed Parcel west of State Route 1
Tax Parcel ID #:	ED-00-077.00-01-07.01-000
Lot Size:	0.48 acres +/-
Present Zoning:	RMH (Residential Manufactured Home Zone)
Proposed Zoning:	IPM (Industrial Park Manufacturing Zone) AEOZ (Airport Environs Overlay Zone): APZII – Accident Potential Zone II
2019 Comprehensive Plan Designation:	Category 1: High Priority Annexation Areas
2019 Comprehensive Plan Land Use Category:	Office and Office Park
Present Use:	Storage/Warehouse Buildings and Vacant Lots
Proposed Use:	Future Redevelopment (for Mini-Storage Buildings)
Utility Availability:	<u>Electric:</u> 1624 N. Little Creek Road is currently served by City of Dover Electric. As the following parcels of the Unaddressed Parcel of 3.15 acres on N. Little Creek Road and the Unaddressed Parcel of 0.48 acres west of State Route 1 are

undeveloped and woodland areas, they likely do not have specific City of Dover Electric services at the present time. With any future redevelopment of the properties, the electric service needs will be evaluated. The property owner will be responsible for any and all costs associated with the changes in electrical service needs related to any future redevelopment including extending and providing service upgrades to the proposed properties.

Water and Sanitary Sewer: 1624 N. Little Creek Road is not currently served by City of Dover Water. Unaddressed Parcel of 3.15 acres on N. Little Creek Road is not currently served by City of Dover Water. Unaddressed Parcel of 0.48 acres west of State Route 1 is not currently served by City of Dover Water.

1624 N. Little Creek Road is not currently served by City of Dover Sanitary Sewer. Unaddressed Parcel of 3.15 acres on N. Little Creek Road is not currently served by City of Dover Sanitary Sewer. Unaddressed Parcel of 0.48 acres west of State Route 1 is not currently served by City of Dover Sanitary Sewer.

The property owner has not contacted the Department about the possible connection to these services. Water is available to these properties. The property owner is responsible for any and all costs associated with extending and providing service upgrades to the property area. Sanitary Sewer is not immediately available to this property area; the developer may reach out to Kent County Public Works to see if the connection is more feasible. The property owner is responsible for any and all costs associated with extending and providing service upgrades to this property area. This may include tapping the sanitary sewer and water mains, connection to the building for both utilities, purchasing appropriately sized water meter and pit, paying impact fees, and obtaining permits.

**Staff Recommendation
for AX-26-02:**

The Electric Department has no objection to the annexation.

The Department of Water and Wastewater has no objection to the annexation.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: February 4, 2026

City of
Dover
Planning
Office

Item 3.

APPLICATION: Annexation of Lands of United Worldwide Express, LLC at 1624 North Little Creek Road, Dover DE

FILE #: AX-26-02 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, AICP, Principal Planner
PHONE #: (302) 736-7196

Note: This Review Report was initially prepared by Staff of the Rossi Group (under a Planning Services contract with the City of Dover). The DRAFT Report was completed with additional review and editing by the City's Planning Office.

I. APPLICATION SUMMARY

Review of an Annexation Request and Rezoning Request for three parcels of land of 5.12 Acres +/-, 3.15 acres +/-, and 0.48 acres +/- located at 1624 North Little Creek Road and the two parcels to the south. The main parcel is currently zoned IL – Limited Industrial Zone and RMH – Residential Manufactured Home Zone in Kent County. The other two parcels are currently zoned RMH – Residential Manufactured Home Zone in Kent County. The proposed Zoning for all parcels is IPM (Industrial Park Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The properties are located on the south side of North Little Creek Road and adjacent to State Route 1. The annexation category according to Dover's 2019 Comprehensive Plan is Category 1: High Priority Annexation Area and the land use designation is Office and Office Park. The property owner is United Worldwide Express, LLC. Property Addresses: 1624 North Little Creek Rd and two unaddressed parcels. Tax Parcels: ED-00-068.20-01-15.00-000, ED-00-077.00-01-07.00-000, and ED-00-077.00-01-07.01-000. Proposed Council District 2. Ordinance #2025-24.

Existing Properties

The properties are located on the south side of North Little Creek Road, immediately west of State Route 1. The subject parcels are contiguous to the City boundary along the west property line. The adjoining parcels to the northwest are within the City and planned to be developed along with the subject parcels. The northernmost property has a structure on it with the southern property area being wooded.

Surrounding Land Uses

Rojan Meadows is immediately west of the subject properties and is zoned RM-1. State Route 1 is immediately to the east, outside of the City boundary. The property north across North Little Creek Road is the right-of-way for State Route 1. The abutting property to the northwest on the south side of North Little Creek Road is the subject of Rezoning Application Z-26-01, to rezone from C-PO (Commercial and Professional Office Zone) to IPM (Industrial Park Manufacturing Zone), and

it planned to be developed in conjunction with the subject properties. Parcels surrounding the subject property on all sides are within the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II as are the subject properties.

II. COMPREHENSIVE PLAN COMPLIANCE REVIEW

In the *2019 Comprehensive Plan*, the Potential Annexation Areas (Map 13 -1) identifies the property in the Category 1: High Priority Annexation Areas. The Growth and Annexation Plan Chapter (Chapter 13) notes that “Lands in this category are primarily enclaves of unincorporated territory mostly surrounded by the City of Dover. In all or most of these cases, the City provides these parcels with one or more essential service (sewer, water, police, fire, trash).” For Category 1: High Priority Annexation Areas, it notes in the Recommendations that “the City will not extend sewer and/or water infrastructure to Category 1 areas unless the property owners annex into the City” with consideration given for issues of health, safety and welfare.

The *2019 Comprehensive Plan* also sets the review criteria for the review of zoning for parcels being proposed for annexation. Chapter 13, page 13-9 notes that the Zoning Review may include:

- Proposed zoning be in compliance with the land use category shown on Map 13-2 and used in conjunction with Table 12-1: Land Use and Zoning Matrix;
- Character and compatibility of the surrounding land uses and properties;
- The street type and capacity serving the property;
- Environmental concerns and conditions that may influence land use and zoning;
- Market concerns and conditions;
- The compatibility with the overall goals of the Comprehensive Plan.

Map 13-2: Potential Land Use for Annexation Areas identifies the Land Use Classification for this property to be Office and Office Parks. It is also located within the zoning district of AEOZ (Airport Environs Overlay Zone) surrounding the Dover Air Force Base. The *2019 Comprehensive Plan* describes strategies and recommendations for Employment Centers, which includes office and industrial uses. It also includes strategies and recommendations related to the Dover Air Force Base. The associated goals and policies are listed in the *2019 Comprehensive Plan* excerpts presented below (pages 12-16 through 12-20); see excerpt below:

EMPLOYMENT CENTERS: OFFICE PARK AND INDUSTRIAL LAND USES

To a large extent, Dover’s character has been set by the historic location of key uses throughout the City, from the governmental complexes in the center, to rail dominate uses along the railroad right-of-way, to military uses at Dover Air Force Base (DAFB). Today, office parks and industrial land uses are areas partially or completely occupied by existing industrial and/or manufacturing uses. A large area of vacant developable land north of and adjoining Dover Air Force Base has been designated for industrial and manufacturing uses. Such uses are generally more compatible with military operations and seem to be less effected by noise associated with military overflights. Other areas for employment centers are adjacent to transportation routes (vehicle and rail). See Chapter 10 – Economic Development) for a more detailed discussion of Dover’s economic opportunities.

Assumptions: Employment Centers

1. The Dover community is fortunate to harbor several regional, national and international industry leaders within the City limits. Dover intends to accommodate the reasonable aspirations and expectations of its industrial and manufacturing community to support the vitality of these precious resources.
2. A healthy and well-rounded local economy will depend upon diversity in business and employment opportunities.
3. Opportunities exist to build on Dover's regional proximity for warehousing and distribution and its access to Dover Air Force Base (DAFB) for expansion of civilian air transportation and aviation related manufacturing, service and repair functions.

Goal: Employment Centers

Create a more vibrant, growing economy with a broader range of job opportunities through collaborative efforts to market the region, identify potential targets, and respond to opportunities to foster an increase in office and industrial development in appropriate and designated areas.

Policies: Employment Centers

1. Protect existing industrial, office park and manufacturing establishments from encroachment by incompatible land uses which could result in nuisance complaints, hazardous situations, and human conflict.
2. Provide sufficient land area for industrial purposes to enable the expansion of existing industries, the establishments of new facilities, and revitalization of underutilized older industrial sites.
3. Provide for a variety of office park and industrial development opportunities through the designation of areas for small, medium and large establishments within planned industrial parks.
4. Promote alternative modes of accessibility including pedestrian and bicycle facilities, bus shelters and transit stops, and provide incentives for car and van pooling of employees.
5. Create flexible and contemporary industrial zoning provisions that reflect emerging trends in uses, facilities, and business opportunities to meet future needs.

Recommendations: Employment Centers

The City is committed to fostering a strong, vibrant, and balanced local economy built on existing and new business locations. This initiative requires close coordination with state and county economic development entities. It also requires continuous attention to the needs of existing businesses, efforts to promote a skilled

workforce, a comprehensive marketing and promotional strategy, and land use and development regulations that are efficient and contemporary. The Comprehensive Plan designates areas throughout the City where job growth and opportunities are encouraged. Plan Chapter 10 – Economic Development lays out a set of goals and actions designed to reinforce this commitment.

Office Parks

The Land Development Plan designates specific tracts of land of various sizes for Office and Office Park land uses. Office Park development involves an integrated development of office buildings with shared entrances, driveways and parking. The majority of uses permitted within an Office Park are generally weekday professional office uses involving very little or no activity at night or on weekends. For this reason, the Office Park designation may be viewed as a transitional use category when situated between more intense commercial and industrial land uses and residential land uses. This designation usually involves the C-PO (Commercial/Professional Office Zone) zoning district.

These areas are located throughout the City with established office concentrations in the Enterprise Business Park, along Silver Lake Boulevard, on College Park Drive, along Old Rudnick Lane, the Northgate Center, and elsewhere. Scattered office uses are also located along Saulsbury/McKee Road and within designated “Mixed Use” areas in the Eden Hill Farm Traditional Neighborhood Design (TND). Smaller scale areas for office parks are the Woodbrook complex on South Governors Avenue, office complexes along Walker Road, and areas along Route 8.

Large Scale Industry

The Land Development Plan designates all existing major industrial facilities and associated vacant lands for Industrial use. These properties include the manufacturing facilities of Kraft Heinz Foods, Proctor & Gamble, Edgewell Personal Products, PPG Industries, General Metalcraft and others.

Industrial Parks

Several planned industrial parks have been initiated since 1986 which offer industrial development potential. The Land Development Plan designates these sites for continued Industrial use. These sites include Kent County Aero Park/Air Cargo Terminal, Enterprise Business Park, College Business Park, and McKee Business Park. The City purchased and has developed the Garrison Oak Business and Technology Center (formerly the Garrison Oak Technical Park) in 1999-2000. It now houses a solar electric facility, an electric generating facility, a flooring products manufacturer, and a security firm with ten shovel ready lots remaining available.

Planning is underway to extend the Joint Use Agreement with Dover Air Force Base to allow expansion of the Kent County Aero Park into a regional facility. The Central Delaware Aviation Complex will facilitate aviation uses including air cargo, aircraft maintenance and repair, and related uses as part of a newly designated “Employment Center.”

DOVER AIR FORCE BASE

Although Dover Air Force Base (DAFB) is within the City limits, as a land holding of the Federal government it is not subject to municipal regulation. In recognition of the strategic importance of DAFB with respect to the national interest, as well as the contributions of DAFB to the local economy and overall image of Dover, it is essential that the Comprehensive Plan support and protect the vital interests of Dover Air Force Base as an integral part of Dover.

A majority of the land area surrounding DAFB is within the City limits. Much of this land is impacted by noise associated with base operations and specific locations in close proximity to aircraft runways have been identified by the Department of Defense as accident potential zones. It is within these areas that Dover can play an important role in protecting the mission of DAFB by restricting development within these areas to uses that would be relatively compatible with military operations. The Airport Environs Overlay Zone (AEOZ) was adopted in 2001 and revised in 2013 following the *Air Installation Compatible Use Zone Study Update* from August 2010.

By virtue of a Joint Use Agreement and a dedicated taxiway access to the base runway and air traffic control capabilities, a connection to the Base for civilian aircraft use is available. Operated by the Delaware River and Bay Authority on behalf of DelDOT and adjacent to the Kent County Aeropark, the Civil Air Terminal represents a significant resource for future development of aviation and aeronautic business opportunities.

Assumptions: Dover Air Force Base

1. Dover Air Force Base influences the Dover community in many positive ways. Its benefits include positive economic impacts through employment and commerce. Skilled military personnel and their families from all over the country come to Dover and become an important part of our community. Dover residents also take great pride in the important role Dover Air Force Base plays in the defense of our nation and its peacekeeping and emergency relief efforts.
2. The connection to the Base for expansion of adjacent public and private air-related uses is an important, long-term opportunity for the City and Kent County.

Goal: Dover Air Force Base

Create a favorable and compatible environment for Dover Air Force Base through a resolute commitment to provide all reasonable planning accommodations to protect the Base.

Policies: Dover Air Force Base

1. Restrict land uses surrounding Dover Air Force Base to uses defined in the most current edition of the Air Installation Compatible Use Zone (AICUZ) document produced by the United States Department of Defense.

2. Require special noise attenuation measures to be incorporated within plans for the construction of new buildings in the vicinity of Dover Air Force Base.
3. Maintain the designated Airport Environs Overlay Zone (AEOZ) which includes the Accident Potential Zones and Noise Zones as defined by the Air Installation Compatible Use Zone (AICUZ) document. This ordinance sets forth regulations within the *Zoning Ordinance* governing land use and development within these areas (Article 3 Section 22). The boundaries of the AEOZ may be updated in the future to coincide with the most current edition of the AICUZ document.
4. Ensure cooperative planning to facilitate joint use activities in a manner that protects the Base operations while achieving associated economic benefits.

Recommendations: Dover Air Force Base

The Land Development Plan reflects the existing limits of Dover Air Force Base for location purposes. No enlargement of the land use area associated with DAFB is proposed at this time. Areas immediately north of DAFB within the City limits have been designated for Industrial uses, focused on air cargo and other aviation-based uses. A few small pockets of existing residential development exist north of DAFB along Horsepond Road and Lafferty Lane. The Land Development Plan shows this area as Industrial, primarily because the AEOZ (Airport Environs Overlay Zone) prohibits new residential uses in this area. The City will not rezone active residential properties until or unless the residential use ceases on that property. Portions of the adjacent industrial lands and other lands will be considered for rezoning to a newly established IPM3 (Industrial Park Manufacturing – Industrial Aviation and Aeronautics Center) zone as master planning for the area continues.

As part of the Land Development Plan, Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification of Office and Office Parks.

Office and Office Parks	CPO (Commercial and Professional Office) IO (Institutional and Office) IPM (Industrial Park Manufacturing) RGO (General Residence and Office)
--------------------------------	--

III. ZONING REVIEW

Request for IPM (Industrial Park Manufacturing Zone)

The applicant has requested the zoning of IPM (Industrial Park Manufacturing Zone). The following code excerpt of the IPM zoning district is provided from Article 3 §20 of the *Zoning Ordinance*.

Article 3 Section 20. Industrial park manufacturing zone (IPM).

20.1 *Uses permitted.* No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in [article 5](#), section 8, and subject to site development plan approval as set forth in [article 10](#), section 2:

20.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel used shall be oil, gas or electricity; together with incidental clinics, cafeterias and recreational facilities for the exclusive use of employees of the concern engaged in such undertaking.

20.12 Research, design, testing and development laboratories.

20.13 Printing, publishing, binding, packaging, storage, warehousing, transshipment and distribution, and trucking terminals.

20.14 Business, professional or administrative offices; banks and financial institutions; hotels, motels and restaurants; public parks, playgrounds, and recreational facilities; and public utility uses, provided that these uses shall only be located upon a thoroughfare, arterial street or access highway with[in] the IPM zone. Retail sales and service establishments within planned industrial parks for local needs and local consumption of the employees and customers of the other permitted uses within the planned industrial park.

20.15 Signs shall meet the regulations found in [article 5](#), section 4, supplementary sign regulations.

20.16 Agricultural or farm uses as defined and permitted in [article 3](#), section 1.11.

20.17 The following uses may be permitted as conditional uses if approved by the planning commission in accordance with the provisions and procedures set forth in [article 10](#), section 1 and any specified requirements set forth below:

(a) Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail use does not occupy more than 30 percent of the gross floor area of the building or group of buildings on a lot. Parking shall be provided at a rate of one parking space per 300 square feet of retail space for the exclusive use of retail customers in addition to the bulk parking requirements of this zoning district for a particular use.

20.18 Mini-storage facilities, subject to the following regulations:

(a) No unit shall be placed within 30 feet of any other structure on the lot or a residential property line.

(b) No outside storage [is allowed], except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.

(c) No individual unit may be used for retail, garage sale or any other commercial activities.

(d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.

(e) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per 25 feet.

(f) All other bulk requirements of this ordinance are met.

20.19 Marijuana cultivation facilities, marijuana manufacturing facilities, and marijuana testing facilities, subject to the requirements outlined in [article 5](#), section 24.

20.2 *Uses prohibited.* The following uses are specifically prohibited:

20.21 Residences, except those existing at the time of adoption of this amendment.

20.22 Manufacturing uses involving primary production of the following products from raw materials: asphalt, cement, charcoal, and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, and carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials, and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids: coal, coke, and tar products, including gas manufacturing; explosives; fertilizers; glue, and size (animal); linoleum and oil cloth; matches; paint, varnishes, and turpentine; rubber (natural or synthetic); [and] soaps, including fat rendering.

20.23 The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, [and] lubricating oil; distillation of wood or bones; [and] reduction and processing of wood pulp and fiber, including papermill operations.

20.24 Operations involving stockyards, slaughterhouses, and slag piles.

20.25 Storage of explosives, [and] bulk or wholesale storage of gasoline above [the] ground.

20.26 Dumps.

20.27 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.

20.28 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

AEOZ (Airport Environs Overlay Zone)

The properties are located within the AEOZ – APZ-II (Accident Potential Zone II) found in Article 3 §22.3 of the *Zoning Ordinance*, and therefore, this zoning classification must be assigned upon annexation. The AEOZ includes prohibition of certain uses that are incompatible with the Dover Air Force Base operations, specifically regarding noise and accident potential; see *Zoning Ordinance*, Article 3 §22.6.

IV. RECOMMENDATION OF PLANNING STAFF:

The request for the IPM (Industrial Park Manufacturing Zone) is for a zone that allows for offices, industrial, and mini-storage facility uses.

Staff recommends the annexation of the three properties located at 1624 North Little Creek Road and the adjacent two parcels to the south and for the associated rezoning to IPM (Industrial Park Manufacturing Zone) and AEOZ-APZII (Airport Environs Overlay Zone – Accident Potential Zone II) be approved as requested. The subject property is in the City's Annexation Plan of the *2019 Comprehensive Plan* as Category 1: High Priority Annexation Areas with a Land Use Classification as Office and Office Park. While the subject property is not an enclave that is fully surrounded by the City, it fills a hole between the existing City boundary and the State Route 1 right-of-way. The main parcel of the three properties is also already served by the City electric.

This Annexation/Rezoning Request does not grant approval of a specific use for the property but makes its land use subject to a listing of uses permitted and potential conditional uses as allowed in the IPM zoning district. Staff notes that any potential redevelopment for the site or changes of use for the existing building would have to be in line with the zoning classification and would similarly have to follow all requirements of the *Zoning Ordinance*. Were the Application for Annexation/Rezoning to be recommended by the Planning Commission and subsequently

approved by the City Council, the applicant would still have to submit Site Development Plans or Subdivision Plans and/or Permits for review for any new use of the site or the existing building.

The parcels, when combined with the adjacent parcels already within the City, meet the lot dimensions for IPM zone related to conventional lots. Any non-conformity of the existing buildings' uses and placement in relation the bulk standards of the IPM would be subject to the provisions of the *Zoning Ordinance*, Article 7 – Nonconforming Buildings and Uses.

This recommendation is being made without the benefit of hearing the comments of surrounding landowners and residents. A Public Hearing is required on this matter and the Planning Commission should give those comments consideration.

V. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

As part of the Annexation Request, the City of Dover zoning district is to be determined; therefore, it is a request for a type of zoning map amendment which changes the zoning district of a property. The Planning Commission as part of their public hearing and review process will provide a recommendation on the zoning to City Council. As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the Planning Commission must evaluate the following factors when considering the request:

Article 10 § 5.36 Report of the planning commission. Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

A Recommendation Report from the Planning Commission will be forwarded to City Council for their consideration of the Annexation/Rezoning Application.

ADVISORY COMMENTS TO THE APPLICANT

- 1) The Planning Staff advises the applicant that this general location in the vicinity of the existing partial interchange of State Route 1 and Route 8 (North Little Creek Road) has been mentioned in several studies for potential expansion of the interchange/road network to allow additional access to State Route 1 and related improvements to freight movement conditions in this eastern part of the City. These potential transportation improvements were identified in the *East/West Freight Routes Phase 2 Study (2025)*, the *Dover Air Cargo Freight Access Study (2021)*, and the *Dover Freight Plan (2025)*. See the comments provided by the

Dover/Kent County MPO for information and references to these studies.

- 2) From the agency comments received, it appears that ability to provide City water is feasible due to the proximity to existing infrastructure. The ability for sanitary sewer service would need to be discussed with the Kent County Department of Public Works. It would be the property owner's responsibility to cover all costs associated with extending and connecting services to the existing building.
- 3) Regarding connection to City services (water) the applicant must contact the City's Department of Water & Wastewater for procedures, permitting and impact fees. Regarding connection to Kent County services (sanitary sewer), the applicant must contact the County Department of Public Works for procedures, permitting, and impact fees.
- 4) Upon annexation into the City of Dover, the property will be subject to the provisions of the *Dover Code of Ordinances*. This includes procedures such as review processes for plans and permits for construction activities, licensing, etc.
- 5) The applicant shall be aware that approval of any Annexation & Rezoning application does not represent a Building Permit or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover.
- 6) The use of the existing building on the property would be subject to the City of Dover procedures for business licensing, public occupancy permits, and/or Vacant Building registration.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Office as soon as possible.

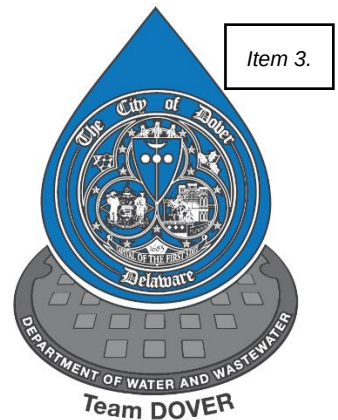


CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JANUARY 28, 2026



Item 3.

APPLICATION: Lands of United Worldwide Express, LLC at 1624 North Little Creek Road and Adjacent Two Parcels

FILE #: AX-26-02

REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater

CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater

CONTACT PHONE #: 302-736-7025

CONTACT EMAIL: jlyon@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. Our office has no objections to the proposed annexation of tax parcels ED-00-068.20-01-15.00-000, ED-00-077.00-01-07.00-000 & ED-00-077.00-01-07.01-000. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook and the Specifications, Standards & Procedures for Public Works Construction. Impact fees will be applied to this property.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

SANITATION / STREETS / STORMWATER / GENERAL

1. None

WATER / WASTEWATER

1. As per the Petition to Annex and Rezone Property, as heard by the Council Committee of the Whole, please find the following:
 - a. 1624 N. Little Creek Road is not currently served by City of Dover Water. Unaddressed Parcel of 3.15 acres on N. Little Creek Road is not currently served by City of Dover Water. Unaddressed Parcel of 0.48 acres west of State Route 1 is not currently served by City of Dover Water. 1624 N. Little Creek Road is not currently served by City of Dover Sanitary Sewer. Unaddressed Parcel of 3.15 acres on N. Little Creek Road is not currently served by City of Dover Sanitary Sewer. Unaddressed Parcel of 0.48 acres west of State Route 1 is not currently served by City of Dover Sanitary Sewer. The property owner has not contacted the Department about the possible connection to these services. Water is available to these properties. The property owner is responsible for any and all costs associated with extending and providing service upgrades to the property area. Sanitary Sewer is not immediately available to this property area; the developer may reach out to Kent County Public Works to see if the connection is more feasible. The property owner is responsible for any and all costs associated with extending and providing service upgrades to this property area. This may include tapping the sanitary sewer and water mains, connection to the building for both utilities, purchasing appropriately sized water meter and pit, paying impact fees, and obtaining permits.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/28/26

APPLICATION: Lands of United Worldwide Express at 1624 N Little Creek Rd

FILE #: AX-26-02 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a annexation and rezoning request for three parcels. This office has no objections.
2. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

One-family and two-family residential structures, height, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, *Arabic numerals*, all numbers shall be Arabic numerals.

Multiple-family dwellings, measurements, the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally,* numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

property line or driveway, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

Arabic numerals, all numbers used shall be Arabic numerals,

Shopping centers. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.
(City of Dover Code of Ordinances, 98-344)

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. If the building on the property is being used, an annual fire and life safety inspection is needed. If the building on the property is not being used, it would need to be registered as a vacant building,
2. Please contact this office in reference to fire department responses to the property for open burning, there is no open burning in the City of Dover.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)

2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)

2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)

2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)

2009 IBC (International Building Code)

Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

2021 Delaware State Fire Prevention Regulations

City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

From: [Mobley, Will \(DeIDOT\)](#)
To: [Melson-Williams, Dawn](#); [Schwartz, Joshua \(DeIDOT\)](#)
Subject: EXTERNAL: DAC Comments 28 Jan 26 Staff Development Meeting
Date: Wednesday, January 28, 2026 5:04:46 PM

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Here are the comments from DeIDOT for the applications discussed in the DAC Committee Meeting.

AX-26-01 Lands of Fuller at 7 Nixon Ln

No objection to annexation.

AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels

No objection to annexation.

Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road

No objection to rezoning.

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

This project has an Entrance Plan Approval dated 5-10-23. Plan approval expires 5-10-26. Plans will need reapproval if no work is started before expiration date.

US-26-01 Dover Industrial Park Comprehensive Signage Plan

Ensure planned sign structure is outside of DeIDOT Right of Way. At a minimum the sign must be placed outside the clear zone of the state maintained frontage road and must not fall within the sight distance triangle located at the site entrance. Lastly Delaware Code 17 § 1108 Location and condition of advertising regulated. ---(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

Sincerely,

Will T Mobley III, PMP

Division of Economic Development, DELDOT

Interim Kent County Review Coordinator

Phone (302)-760-2409

Will.mobley@delaware.gov



KENT CONSERVATION DISTRICT

Item 3.

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

CITY OF DOVER DEVELOPMENT ADVISORY COMMITTEE APPLICATION REVIEW COMMENTARY FEBRUARY 2026

APPLICATION: Lands of United Worldwide Express, LLC at North Little Creek Road and Adjacent Two Parcels

FILE #: AX-26-02

REVIEWING AGENCY: Kent Conservation District

CONTACT: Cullen Baker

PHONE: 302-608-5370

EMAIL: stormwater@kentcd.org

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

Kent Conservation District has no objection to the annexation & rezoning request for the above referenced parcel.

ADVISORY COMMENTS TO THE APPLICANT:

In the future, if there is any proposed disturbance that will exceed 5,000 square feet, a sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.).

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 2/4/2026

**Dover/Kent
County
Metropolitan
Planning
Organization**

AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels

FILE # AX-26-02

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

Attached, please find comments submitted by Dover Kent MPO for each of the current City of Dover Development Advisory Committee (DAC) applications. These comments are a part of the MPO's ongoing goals of promoting transportation safety and connectivity within the region. They are submitted in accordance with the support given by the MPO Council on November 6, 2024.

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission
Annexation Review

AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels

Although Dover Kent MPO does not have any objections to the proposed Annexation, it is worth noting that several recent MPO studies pertain to these parcels. First, in the *East/West Freight Routes Phase 2 Study*, several new alignments were proposed in key locations across Kent County to improve freight conditions and facilitate the movement of goods. The most relevant proposal from the study is the SR 1 interchange, which would allow for direct access to SR 1 from North Little Creek Road.¹ If completed, this project would benefit the industrial sites in the area and reduce the amount of truck traffic on surrounding roadways. The project is also a potential benefit to Dover Air Force Base, and several interchange options were evaluated in the

¹ *East/West Freight Routes Phase 2 Study*. Dover/Kent County MPO (2025).
<https://doverkentmpo.delaware.gov/files/2025/07/East-West-Final-Report-with-Appendicies.pdf#page=16>.



Dover Air Cargo Freight Access Study.² However, the interchange project would significantly impact the properties being discussed through this application, as the proposed alignment would run directly through the parcels. With this in mind, the City of Dover and the applicant should review the recommendations of the *East/West Freight Routes Phase 2 Study* and discuss how the parcels can be utilized while still meeting the greater needs of the freight community in Kent County.

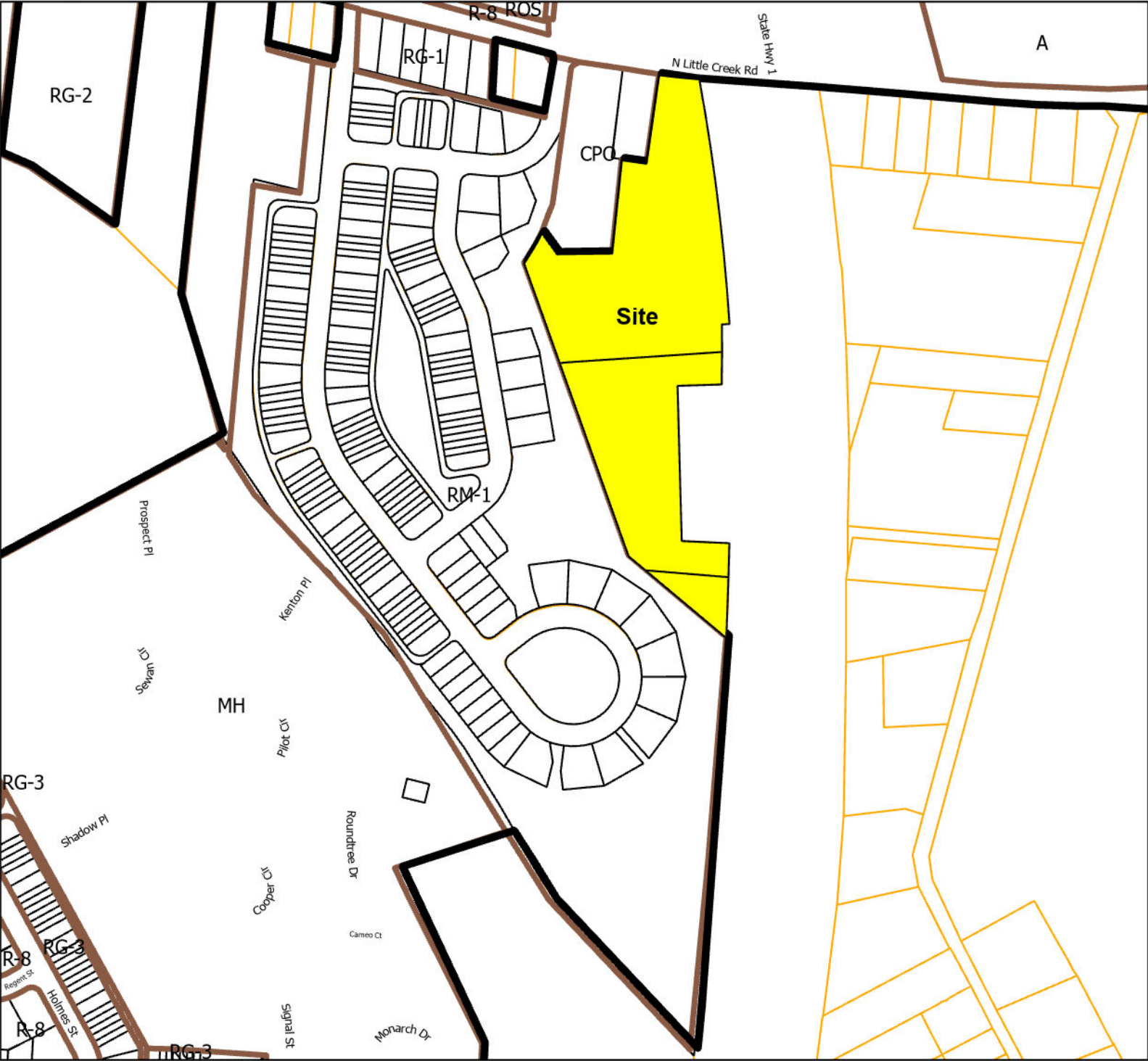
The second relevant study is the *Dover Freight Plan*, a document that outlines the City's freight goals and recommends a path forward to achieving them. Some of the steps listed in the document include requiring truck parking and staging areas for all freight-related site development, creating opportunities for freight-intensive development along truck routes, and increasing coordination between local and State agencies and other relevant stakeholders.³ The applicant should be aware of the City's freight goals and ensure the plans for these properties help work towards the goals' completion.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

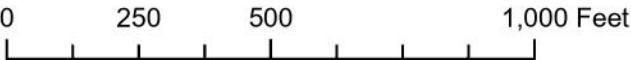
² *Dover Air Cargo Freight Access Study - Planning and Environmental Linkage (PEL) Report*. Dover/Kent County MPO (2021). https://doverkentmpo.delaware.gov/files/2021/09/Dover-Air-Cargo-Freight-Study-PEL_final.pdf#page=25.

³ *Dover Freight Plan*. City of Dover (2025). https://doverkentmpo.delaware.gov/files/2025/04/2025-04_Dover-Freight-Plan_FINAL.pdf.





Title: Lands of United Worldwide Express, LLC
Ordinance #: 2025-24
Addresses: 1624 North Little Creek Road & Adjacent Two Parcels
Parcel ID: ED-00-068.20-01-15.00-000, ED-00-077.00-01-07.00-000, & ED-00-077.00-01-07.01-000
Existing Zoning: IL (Limited Industrial Zone) & RMH (Residential Manufactured Home Zone)
Proposed Zoning: IPM (Industrial Park Manufacturing Zone); Subject to the AEOZ (Airports Environs Overlay Zone) APZ II - Accident Potential Zone II
Owner: United Worldwide Express, LLC.
Date: 12/2/2025



Legend

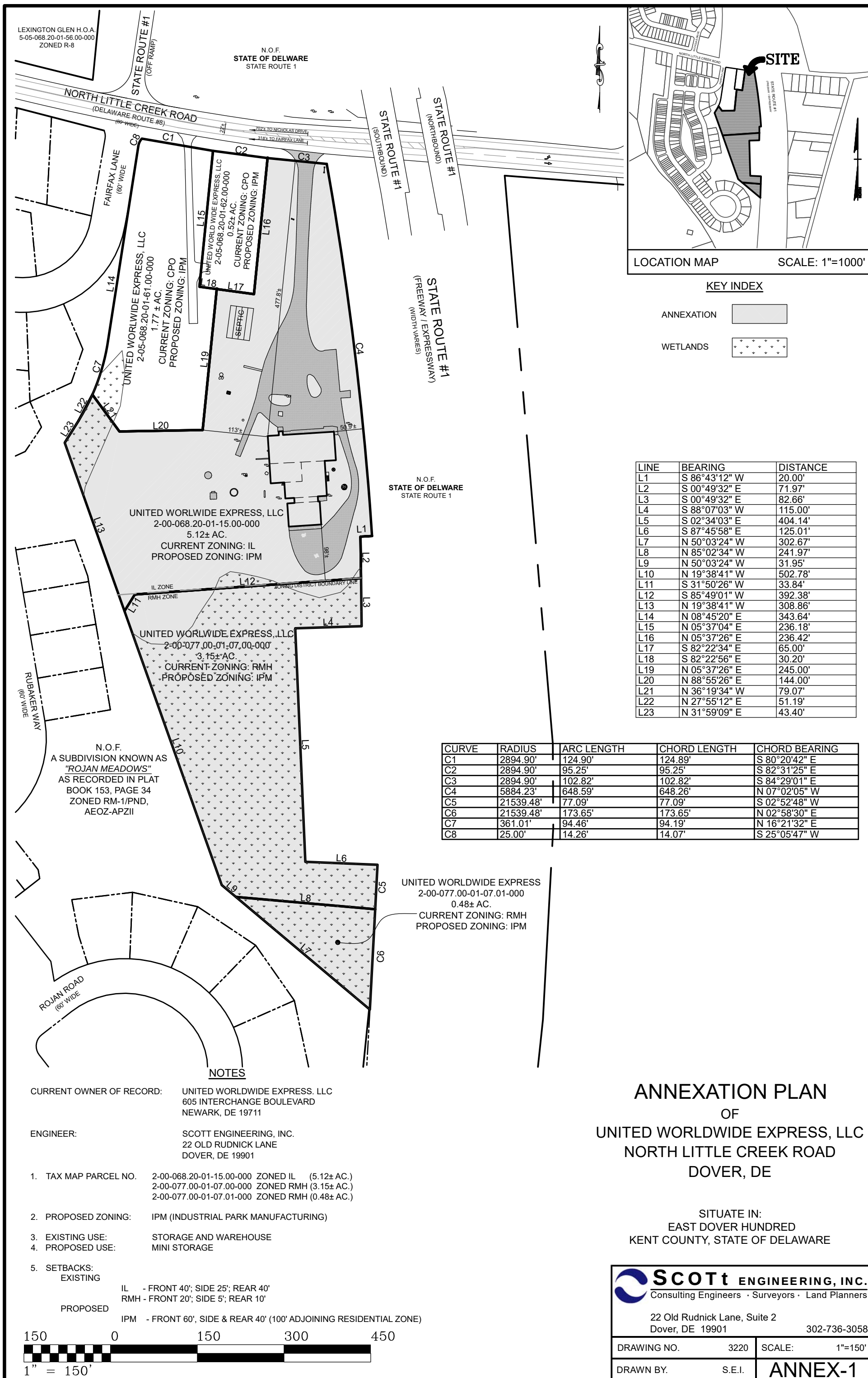
Subject Property

Dover Boundary

Zoning

Dover Parcels

Kent County Parcels



PETITION TO AMEND ZONING DISTRICT

First Reading before the Dover City Council on January 28, 2026
Development Advisory Committee Review – Applicant DAC Meeting of February 4, 2026
Public Hearing Before the Planning Commission on February 17, 2026

Application: Lands of United Worldwide Express, LLC at 1600 North Little Creek Road and Adjacent Parcel at 0.509 AC North Little Creek Road
Rezoning C-PO/AEOZ to IPM/AEOZ

Owner: United Worldwide Express, LLC

Address: 1600 North Little Creek Road, Dover DE and
Unaddressed parcel referenced as 0.509 AC North Little Creek Road,
Dover DE

Location: Located on the south side of North Little Creek Road between Fairfax Lane and State Route 1

Tax Parcel: ED-05-068.20-01-61.00-000 and ED-05-068.20-01-62.00-000

Size: 1.77 acres +/- and 0.52 acres +/-

Present Use: Vacant Land (previous building demolished)

2019 Comprehensive Plan – Land Use Category: Office and Office Park

Present Zoning: C-PO (Commercial and Professional Office Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II

Proposed Zoning: IPM (Industrial Park Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II

Reason for Request: Rezoning the property for development of mini-storage buildings

File Number: Z-26-01

Ordinance Number: 2026-07

Note: This Review Report was initially prepared by Staff of the Rossi Group (under a Planning Services contract with the City of Dover). The DRAFT Report was completed with additional review and editing by the City's Planning Office.

I. APPLICATION SUMMARY:

This Rezoning Application is for two parcels of land located at 1600 North Little Creek Road

consisting of 1.77 acres +/- and the adjacent parcel to the east consisting of 0.52 acres +/- . The properties are zoned C-PO (Commercial and Professional Office Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The proposed Zoning for both properties is IPM (Industrial Park Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The properties are located on the south side of North Little Creek Road between Fairfax Lane and State Route 1. The owner of both parcels is United Worldwide Express, LLC. Property Addresses: 1600 North Little Creek Rd and one unaddressed parcel referenced as 0.509 AC North Little Creek Road. Tax Parcels: ED-05-068.20-01-61.00-000 and ED-05-068.20-01-62.00-000. Council District 2. Ordinance #2026-07.

The First Reading of this Proposed Ordinance was scheduled for January 26, 2026 and was completed at the City Council Meeting of January 28, 2026 due to the meeting being postponed due to weather. Public Hearing before the Planning Commission is scheduled for February 17, 2026 and the Public Hearing before the City Council is set for March 9, 2026.

Existing Property:

The existing property included a building onsite that was to be demolished under Demolition Permit #24-1615. The properties are located on the south side of North Little Creek Road between Fairfax Lane and State Route 1. The applicant is seeking rezoning to allow for future development of the properties to be mini storage buildings. Any redevelopment of the site will be subject to a separate application submission for plans or permits.

Surrounding Land Uses

Parcels adjacent to the subject properties are zoned RM-1 (Medium Density Residential) along the west border. The RM-1 zoned property is associated with a subdivision known as “Rojan Meadows PND” which includes single-family residences. Land to the north is dedicated to transportation right-of-way with State Route 1 and North Little Creek Road. Adjacent to the east and south is a series of properties subject to Annexation Application AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Road and Two Parcels.

II. COMPREHENSIVE PLAN COMPLIANCE REVIEW

In the *2019 Comprehensive Plan*, the Land Development Plan (Map 12-1) recommends that this property be used for Office use. Additionally, the subject parcels are located within the zoning district AEOZ (Airport Environs Overlay Zone). The *2019 Comprehensive Plan* describes strategies and recommendations for Employment Centers, which includes office and industrial uses. It also includes strategies and recommendations related to the Dover Air Force Base. The associated goals and policies are listed in the *2019 Comprehensive Plan* excerpts presented below (pages 12-16 through 12-20); see excerpt below:

EMPLOYMENT CENTERS: OFFICE PARK AND INDUSTRIAL LAND USES

To a large extent, Dover’s character has been set by the historic location of key uses throughout the City, from the governmental complexes in the center, to rail dominate uses along the railroad right-of-way, to military uses at Dover Air Force Base (DAFB). Today, office parks and industrial land uses are areas partially or completely occupied by existing industrial and/or manufacturing uses. A large area

of vacant developable land north of and adjoining Dover Air Force Base has been designated for industrial and manufacturing uses. Such uses are generally more compatible with military operations and seem to be less effected by noise associated with military overflights. Other areas for employment centers are adjacent to transportation routes (vehicle and rail). See Chapter 10 – Economic Development) for a more detailed discussion of Dover’s economic opportunities.

Assumptions: Employment Centers

1. The Dover community is fortunate to harbor several regional, national and international industry leaders within the City limits. Dover intends to accommodate the reasonable aspirations and expectations of its industrial and manufacturing community to support the vitality of these precious resources.
2. A healthy and well-rounded local economy will depend upon diversity in business and employment opportunities.
3. Opportunities exist to build on Dover’s regional proximity for warehousing and distribution and its access to Dover Air Force Base (DAFB) for expansion of civilian air transportation and aviation related manufacturing, service and repair functions.

Goal: Employment Centers

Create a more vibrant, growing economy with a broader range of job opportunities through collaborative efforts to market the region, identify potential targets, and respond to opportunities to foster an increase in office and industrial development in appropriate and designated areas.

Policies: Employment Centers

1. Protect existing industrial, office park and manufacturing establishments from encroachment by incompatible land uses which could result in nuisance complaints, hazardous situations, and human conflict.
2. Provide sufficient land area for industrial purposes to enable the expansion of existing industries, the establishments of new facilities, and revitalization of underutilized older industrial sites.
3. Provide for a variety of office park and industrial development opportunities through the designation of areas for small, medium and large establishments within planned industrial parks.
4. Promote alternative modes of accessibility including pedestrian and bicycle facilities, bus shelters and transit stops, and provide incentives for car and van pooling of employees.

5. Create flexible and contemporary industrial zoning provisions that reflect emerging trends in uses, facilities, and business opportunities to meet future needs.

Recommendations: Employment Centers

The City is committed to fostering a strong, vibrant, and balanced local economy built on existing and new business locations. This initiative requires close coordination with state and county economic development entities. It also requires continuous attention to the needs of existing businesses, efforts to promote a skilled workforce, a comprehensive marketing and promotional strategy, and land use and development regulations that are efficient and contemporary. The Comprehensive Plan designates areas throughout the City where job growth and opportunities are encouraged. Plan Chapter 10 – Economic Development lays out a set of goals and actions designed to reinforce this commitment.

Office Parks

The Land Development Plan designates specific tracts of land of various sizes for Office and Office Park land uses. Office Park development involves an integrated development of office buildings with shared entrances, driveways and parking. The majority of uses permitted within an Office Park are generally weekday professional office uses involving very little or no activity at night or on weekends. For this reason, the Office Park designation may be viewed as a transitional use category when situated between more intense commercial and industrial land uses and residential land uses. This designation usually involves the C-PO (Commercial/Professional Office Zone) zoning district.

These areas are located throughout the City with established office concentrations in the Enterprise Business Park, along Silver Lake Boulevard, on College Park Drive, along Old Rudnick Lane, the Northgate Center, and elsewhere. Scattered office uses are also located along Saulsbury/McKee Road and within designated “Mixed Use” areas in the Eden Hill Farm Traditional Neighborhood Design (TND). Smaller scale areas for office parks are the Woodbrook complex on South Governors Avenue, office complexes along Walker Road, and areas along Route 8.

Large Scale Industry

The Land Development Plan designates all existing major industrial facilities and associated vacant lands for Industrial use. These properties include the manufacturing facilities of Kraft Heinz Foods, Proctor & Gamble, Edgewell Personal Products, PPG Industries, General Metalcraft and others.

Industrial Parks

Several planned industrial parks have been initiated since 1986 which offer industrial development potential. The Land Development Plan designates these sites for continued Industrial use. These sites include Kent County Aero Park/Air Cargo Terminal, Enterprise Business Park, College Business Park, and McKee Business Park. The City purchased and has developed the Garrison Oak Business and Technology Center (formerly the Garrison Oak Technical Park) in 1999-2000. It now houses a solar electric facility, an electric generating facility, a flooring

products manufacturer, and a security firm with ten shovel ready lots remaining available.

Planning is underway to extend the Joint Use Agreement with Dover Air Force Base to allow expansion of the Kent County Aero Park into a regional facility. The Central Delaware Aviation Complex will facilitate aviation uses including air cargo, aircraft maintenance and repair, and related uses as part of a newly designated “Employment Center.”

DOVER AIR FORCE BASE

Although Dover Air Force Base (DAFB) is within the City limits, as a land holding of the Federal government it is not subject to municipal regulation. In recognition of the strategic importance of DAFB with respect to the national interest, as well as the contributions of DAFB to the local economy and overall image of Dover, it is essential that the Comprehensive Plan support and protect the vital interests of Dover Air Force Base as an integral part of Dover.

A majority of the land area surrounding DAFB is within the City limits. Much of this land is impacted by noise associated with base operations and specific locations in close proximity to aircraft runways have been identified by the Department of Defense as accident potential zones. It is within these areas that Dover can play an important role in protecting the mission of DAFB by restricting development within these areas to uses that would be relatively compatible with military operations. The Airport Environs Overlay Zone (AEOZ) was adopted in 2001 and revised in 2013 following the *Air Installation Compatible Use Zone Study Update* from August 2010.

By virtue of a Joint Use Agreement and a dedicated taxiway access to the base runway and air traffic control capabilities, a connection to the Base for civilian aircraft use is available. Operated by the Delaware River and Bay Authority on behalf of DelDOT and adjacent to the Kent County Aeropark, the Civil Air Terminal represents a significant resource for future development of aviation and aeronautic business opportunities.

Assumptions: Dover Air Force Base

1. Dover Air Force Base influences the Dover community in many positive ways. Its benefits include positive economic impacts through employment and commerce. Skilled military personnel and their families from all over the country come to Dover and become an important part of our community. Dover residents also take great pride in the important role Dover Air Force Base plays in the defense of our nation and its peacekeeping and emergency relief efforts.
2. The connection to the Base for expansion of adjacent public and private air-related uses is an important, long-term opportunity for the City and Kent County.

Goal: Dover Air Force Base

Create a favorable and compatible environment for Dover Air Force Base through a resolute commitment to provide all reasonable planning accommodations to protect the Base.

Policies: Dover Air Force Base

1. Restrict land uses surrounding Dover Air Force Base to uses defined in the most current edition of the Air Installation Compatible Use Zone (AICUZ) document produced by the United States Department of Defense.
2. Require special noise attenuation measures to be incorporated within plans for the construction of new buildings in the vicinity of Dover Air Force Base.
3. Maintain the designated Airport Environs Overlay Zone (AEOZ) which includes the Accident Potential Zones and Noise Zones as defined by the Air Installation Compatible Use Zone (AICUZ) document. This ordinance sets forth regulations within the *Zoning Ordinance* governing land use and development within these areas (Article 3 Section 22). The boundaries of the AEOZ may be updated in the future to coincide with the most current edition of the AICUZ document.
4. Ensure cooperative planning to facilitate joint use activities in a manner that protects the Base operations while achieving associated economic benefits.

Recommendations: Dover Air Force Base

The Land Development Plan reflects the existing limits of Dover Air Force Base for location purposes. No enlargement of the land use area associated with DAFB is proposed at this time. Areas immediately north of DAFB within the City limits have been designated for Industrial uses, focused on air cargo and other aviation-based uses. A few small pockets of existing residential development exist north of DAFB along Horsepond Road and Lafferty Lane. The Land Development Plan shows this area as Industrial, primarily because the AEOZ (Airport Environs Overlay Zone) prohibits new residential uses in this area. The City will not rezone active residential properties until or unless the residential use ceases on that property. Portions of the adjacent industrial lands and other lands will be considered for rezoning to a newly established IPM3 (Industrial Park Manufacturing – Industrial Aviation and Aeronautics Center) zone as master planning for the area continues.

As part of the Land Development Plan, Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification of Office and Office Parks.

Office and Office Parks	CPO (Commercial and Professional Office) IO (Institutional and Office) IPM (Industrial Park Manufacturing) RGO (General Residence and Office)
--------------------------------	--

III. ZONING REVIEW

Request for IPM (Industrial Park Manufacturing Zone) Zoning

The following code excerpt of the IPM zoning district is provided from Article 3 §20 of the *Zoning Ordinance*.

Article 3 Section 20. Industrial park manufacturing zone (IPM).

20.1 *Uses permitted.* No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in [article 5](#), section 8, and subject to site development plan approval as set forth in [article 10](#), section 2:

20.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel used shall be oil, gas or electricity; together with incidental clinics, cafeterias and recreational facilities for the exclusive use of employees of the concern engaged in such undertaking.

20.12 Research, design, testing and development laboratories.

20.13 Printing, publishing, binding, packaging, storage, warehousing, transshipment and distribution, and trucking terminals.

20.14 Business, professional or administrative offices; banks and financial institutions; hotels, motels and restaurants; public parks, playgrounds, and recreational facilities; and public utility uses, provided that these uses shall only be located upon a thoroughfare, arterial street or access highway with[in] the IPM zone. Retail sales and service establishments within planned industrial parks for local needs and local consumption of the employees and customers of the other permitted uses within the planned industrial park.

20.15 Signs shall meet the regulations found in [article 5](#), section 4, supplementary sign regulations.

20.16 Agricultural or farm uses as defined and permitted in [article 3](#), section 1.11.

20.17 The following uses may be permitted as conditional uses if approved by the planning commission in accordance with the provisions and procedures set forth in [article 10](#), section 1 and any specified requirements set forth below:

(a) Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail use does not occupy more than 30 percent of the gross floor area of the building or group of buildings on a lot. Parking shall be provided at a rate of one parking space per 300 square feet of retail space for the exclusive use of retail customers in addition to the bulk parking requirements of this zoning district for a particular use.

20.18 Mini-storage facilities, subject to the following regulations:

(a) No unit shall be placed within 30 feet of any other structure on the lot or a residential property line.

(b) No outside storage [is allowed], except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.

(c) No individual unit may be used for retail, garage sale or any other commercial activities.

(d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.

(e) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per 25 feet.

(f) All other bulk requirements of this ordinance are met.

- 20.19 Marijuana cultivation facilities, marijuana manufacturing facilities, and marijuana testing facilities, subject to the requirements outlined in [article 5](#), section 24.
- 20.2 *Uses prohibited.* The following uses are specifically prohibited:
- 20.21 Residences, except those existing at the time of adoption of this amendment.
- 20.22 Manufacturing uses involving primary production of the following products from raw materials: asphalt, cement, charcoal, and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, and carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials, and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke, and tar products, including gas manufacturing; explosives; fertilizers; glue, and size (animal); linoleum and oil cloth; matches; paint, varnishes, and turpentine; rubber (natural or synthetic); [and] soaps, including fat rendering.
- 20.23 The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, [and] lubricating oil; distillation of wood or bones; [and] reduction and processing of wood pulp and fiber, including papermill operations.
- 20.24 Operations involving stockyards, slaughterhouses, and slag piles.
- 20.25 Storage of explosives, [and] bulk or wholesale storage of gasoline above [the] ground.
- 20.26 Dumps.
- 20.27 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.
- 20.28 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

AEOZ (Airport Environs Overlay Zone)

The property is located within the AEOZ – APZ-II (Accident Potential Zone II) found in Article 3 §22.3 of the *Zoning Ordinance*. The AEOZ includes prohibition of certain uses that are incompatible with the Dover Air Force Base operations, specifically regarding noise and accident potential; see *Zoning Ordinance*, Article 3 §22.6.

IV. RECOMMENDATION OF THE PLANNING STAFF:

This Request is to rezone lands from C-PO (Commercial and Professional Office Zone) to IPM (Industrial Park Manufacturing Zone) and to remain within the AEOZ (Airport Environs Overlay Zone). The current C-PO zone allows for business, governmental, medical, and financial uses, as well as a series of accessory uses subject to conditional use review. The C-PO zone does not permit mini-storage facilities. See *Zoning Ordinance*, Article 3 §26.

The IPM Zone allows many of the uses permitted within the C-PO Zone, but it also allows for other uses, including manufacturing and mini-storage facilities. The AEOZ further restricts uses in the areas surrounding the Dover Air Force Base to protect public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise and the potential for aircraft accidents associated with airport operations.

As part of the process to change the zoning district of a property outlined in *Zoning Ordinance*, Article 10 Section 5, the City Planner must evaluate the following factors when considering the request:

Article 10 § 5.22 *City planner report.* For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

(B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

Staff recommends that the Rezoning of the two properties (parcels 61.00 and 62.00) be granted to IPM (Industrial Park Manufacturing Zone). The proposed zoning is consistent with the *Comprehensive Plan* for the Office Land Use Category classification. Rezoning to IPM is one of the zoning districts eligible for consideration in this Land Use Category classification. The IPM zone permits the mini-storage facility use desired by the applicant.

Staff also recommends that the properties remain subject to the AEOZ (Airport Environs Overlay Zone). The purpose of the AEOZ is to ensure uses within this area are compatible with operations of the Air Force Base.

The Rezoning Request, including the retention of the AEOZ, is consistent with policies set forth in the *2019 Comprehensive Plan* related to Employment Centers and the Dover Air Force Base.

This Rezoning Request does not grant approval of a specific use for the property but makes its land use subject to a listing of uses permitted and potential conditional uses as allowed in IPM (Industrial Park Manufacturing Zone) zoning district and the Land Use Compatibility Table of the AEOZ found in *Zoning Ordinance*, Article 3 Section 22.6. If the application for Rezoning is recommended by the Planning Commission and subsequently approved by the City Council, the applicant will still have to submit plans and/or permits for review for certain uses or redevelopment of the site.

This recommendation is being made without the benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

V. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

This Rezoning Application is a request for a zoning map amendment which changes the zoning district of a property(s). The Planning Commission as part of their public hearing and review process will provide a recommendation on the Rezoning Request to City Council. As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the Planning Commission must evaluate the following factors when considering the request:

Article 10 § 5.36 *Report of the planning commission.* Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

A Recommendation Report from the Planning Commission will be forwarded to City Council for their consideration of the Rezoning Application.

VI. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The Planning Staff advises the applicant that this general location in the vicinity of the existing partial interchange of State Route 1 and Route 8 (North Little Creek Road) has been mentioned in several studies for potential expansion of the interchange/road network to allow additional access to State Route 1 and related improvements to freight movement conditions in this eastern part of the City. These potential transportation improvements were identified in the *East/West Freight Routes Phase 2 Study (2025)*, the *Dover Air Cargo Freight Access Study (2021)*, and the *Dover Freight Plan (2025)*. See the comments provided by the Dover/Kent County MPO for information and references to these studies.
- 2) The applicant shall be aware that approval of any Rezoning application does not represent Site Development Plan or Subdivision Plan. Following any decision made by City Council regarding this Rezoning, an application for a Site Plan, Subdivision Plan, and/or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a new use, redevelopment activity, or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.
- 3) The properties are subject to the requirements of the AEOZ (Airport Environs Overlay Zone) related to development. Future plan submission must reflect this zoning classification on the plan sheets.
- 4) The applicant shall be aware that approval of any Rezoning application does not represent a Building Permit, Demolition Permit, Sign Permit, or other construction activity permit approval. A separate application submission is required before issuance of permits by the City of Dover.
- 5) The applicant shall be aware that any future use and/or buildings may be subject to separate permitting or licensing processes through the City of Dover Licensing and Permitting Division. All businesses operating in the City of Dover are required to obtain a City of Dover Business License. Certain types of uses also require a Public Occupancy Permit or Rental Dwelling Permits.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Office as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JANUARY 28, 2026

APPLICATION: Lands of United Worldwide Express, LLC at 1600 North Little Creek Road and Adjacent Parcel at 0.509 AC North Little Creek Road

FILE #: Z-26-01

REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater

CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services

CONTACT PHONE #: 302-736-7025

CONTACT EMAIL #: jlyon@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS**SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. Our office has no objections to the proposed rezoning of tax parcels ED-05-068.20-01-61.00-000 and ED-05-068.20-01-62.00-000. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook and the Specifications, Standards & Procedures for Public Works Construction. Impact fees may be applied to this property. Future development shall comply with all aspects of the City of Dover's Cross Connection Control Program.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES**SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. None

ADVISORY COMMENTS TO THE APPLICANT**SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. None

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JAN 28, 2026

APPLICATION: Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and adjacent Parcel at .509 AC North Little Creek Road

FILE #: Z-26-01

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Shawn Burgett, Engineering Services & System Ops Superintendent

CONTACT PHONE #: 302-674-7568

CONTACT EMAIL #: sburgett@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

Our office has no objection to the rezoning of: ED-05-068.20-01-61.00-000 and ED-05-068.20-01-62.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric and meters will be assessed at that time.
2. Any redevelopment shall adhere to the City of Dover's Electric Service Handbook.
<https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/28/26

APPLICATION: Lands of United Worldwide Express at 1600 N Little Creek Rd

FILE #: Z-26-01 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a rezoning request for two parcels. This office has no objections.
2. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

One-family and two-family residential structures, height, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, *Arabic numerals*, all numbers shall be Arabic numerals.

Multiple-family dwellings, measurements, the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally,* numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

property line or driveway, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

Arabic numerals, all numbers used shall be Arabic numerals,

Shopping centers. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.
(City of Dover Code of Ordinances, 98-344)

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. N/A

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
 2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
 2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
 2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
 2009 IBC (International Building Code)
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
 2021 Delaware State Fire Prevention Regulations
 City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

From: [Mobley, Will \(DeIDOT\)](#)
To: [Melson-Williams, Dawn](#); [Schwartz, Joshua \(DeIDOT\)](#)
Subject: EXTERNAL: DAC Comments 28 Jan 26 Staff Development Meeting
Date: Wednesday, January 28, 2026 5:04:46 PM

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Here are the comments from DeIDOT for the applications discussed in the DAC Committee Meeting.

AX-26-01 Lands of Fuller at 7 Nixon Ln

No objection to annexation.

AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels

No objection to annexation.

Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road

No objection to rezoning.

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

This project has an Entrance Plan Approval dated 5-10-23. Plan approval expires 5-10-26. Plans will need reapproval if no work is started before expiration date.

US-26-01 Dover Industrial Park Comprehensive Signage Plan

Ensure planned sign structure is outside of DeIDOT Right of Way. At a minimum the sign must be placed outside the clear zone of the state maintained frontage road and must not fall within the sight distance triangle located at the site entrance. Lastly Delaware Code 17 § 1108 Location and condition of advertising regulated. ---(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

Sincerely,

Will T Mobley III, PMP

Division of Economic Development, DELDOT

Interim Kent County Review Coordinator

Phone (302)-760-2409

Will.mobley@delaware.gov



KENT CONSERVATION DISTRICT

Item 4.

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
FEBRUARY 2026**

APPLICATION: Lands of United Worldwide Express, LLC at 1600 North Little Creek Road and
Adjacent Parcel at 0.509 AC North Little Creek Road

FILE #: Z-26-01

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 – 5370

EMAIL: stormwater@kentcd.org

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

Kent Conservation District has no objection to the proposed rezoning of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

Soil disturbance (e.g. clearing, grading, excavations, tree clearing, or stoning) equal to or greater than 5,000 square feet requires a Sediment and Stormwater Management Plan to be submitted and approved by the Kent Conversation District prior to the commencement of disturbance.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 2/4/2026

**Dover/Kent
County
Metropolitan
Planning
Organization**

Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road

FILE # Z-26-01 REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob PHONE #: (302) 387-6030

Attached, please find comments submitted by Dover Kent MPO for each of the current City of Dover Development Advisory Committee (DAC) applications. These comments are a part of the MPO's ongoing goals of promoting transportation safety and connectivity within the region. They are submitted in accordance with the support given by the MPO Council on November 6, 2024.

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission
Zoning Review

Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road

Although Dover Kent MPO does not have any objections to the proposed Rezoning, it is worth noting that several recent MPO studies pertain to these parcels. First, in the *East/West Freight Routes Phase 2 Study*, several new alignments were proposed in key locations across Kent County to improve freight conditions and facilitate the movement of goods. The most relevant proposal from the study is the SR 1 interchange, which would allow for direct access to SR 1 from North Little Creek Road.¹ If completed, this project would benefit the industrial sites in the area and reduce the amount of truck traffic on surrounding roadways. The project is also a potential benefit to Dover Air Force Base, and several interchange options were evaluated in the

¹ *East/West Freight Routes Phase 2 Study*. Dover/Kent County MPO (2025).
<https://doverkentmpo.delaware.gov/files/2025/07/East-West-Final-Report-with-Appendicies.pdf#page=16>.



Dover Air Cargo Freight Access Study.² However, the interchange project would significantly impact the properties being discussed through this application, as the proposed alignment would run directly through the parcels. With this in mind, the City of Dover and the applicant should review the recommendations of the *East/West Freight Routes Phase 2 Study* and discuss how the parcels can be utilized while still meeting the greater needs of the freight community in Kent County.

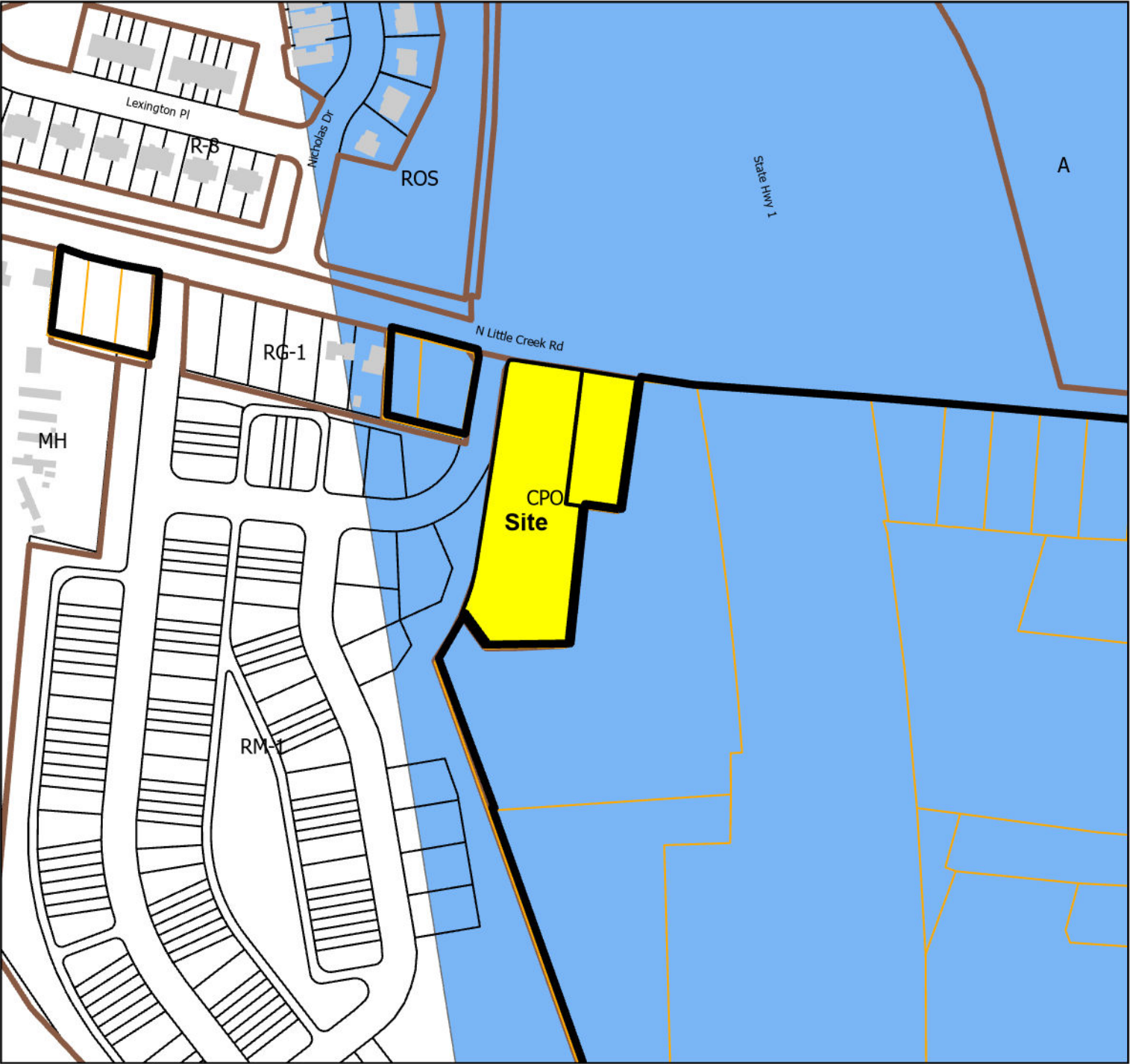
The second relevant study is the *Dover Freight Plan*, a document that outlines the City's freight goals and recommends a path forward to achieving them. Some of the steps listed in the document include requiring truck parking and staging areas for all freight-related site development, creating opportunities for freight-intensive development along truck routes, and increasing coordination between local and State agencies and other relevant stakeholders.³ The applicant should be aware of the City's freight goals and ensure the plans for these properties help work towards the goals' completion.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

² *Dover Air Cargo Freight Access Study - Planning and Environmental Linkage (PEL) Report*. Dover/Kent County MPO (2021). https://doverkentmpo.delaware.gov/files/2021/09/Dover-Air-Cargo-Freight-Study-PEL_final.pdf#page=25.

³ *Dover Freight Plan*. City of Dover (2025). https://doverkentmpo.delaware.gov/files/2025/04/2025-04_Dover-Freight-Plan_FINAL.pdf.





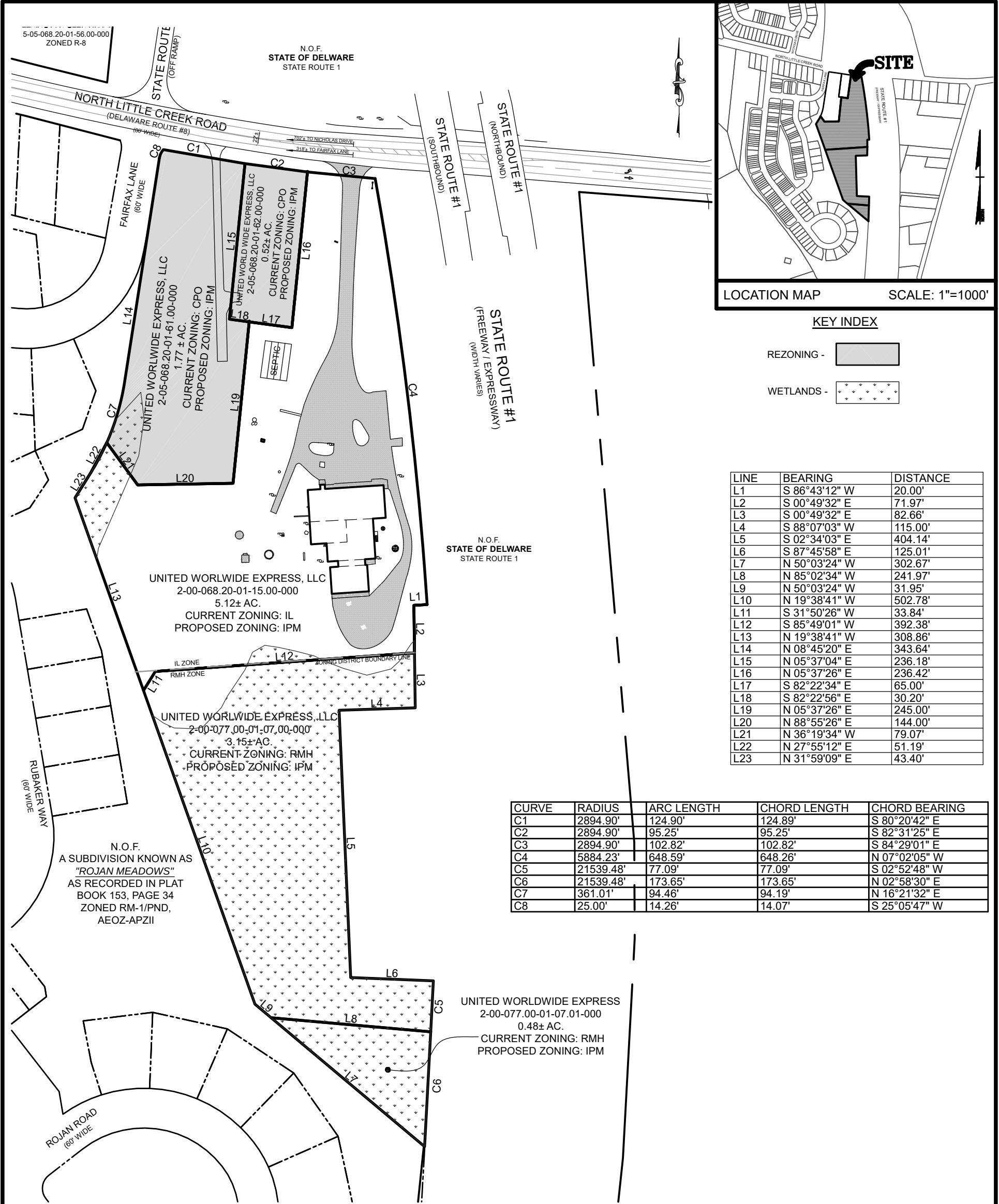
Title: Rezoning Lands of United Worldwide Express, LLC
Ordinance #: 2026-07
Addresses: 1600 N Little Creek Rd & Adjacent Parcel
Parcel ID: ED05-068.20-01-61.00-000 & ED05-068.20-01-62.00-000
Existing Zoning: C-PO (Commercial & Professional Office Zone) & Subject to the AEOZ: APZ II
Proposed Zoning: IPM (Industrial Park Manufacturing Zone) & Subject to the AEOZ: APZ II
Owner: United Worldwide Express, LLC.
Date: 1/20/2026



0 200 400 800 Feet

Legend

-  Subject Property
-  Dover Boundary
-  Zoning
-  Kent County Parcels
-  Building Footprints
-  Dover Parcels
-  AEOZ: APZ II



NOTES

CURRENT OWNER OF RECORD: UNITED WORLDWIDE EXPRESS, LLC
605 INTERCHANGE BOULEVARD
NEWARK, DE 19711

ENGINEER: SCOTT ENGINEERING, INC.
22 OLD RUDNICK LANE
DOVER, DE 19901

1. TAX MAP PARCEL NO. 2-05-068.20-01-61.00-000 ZONED CPO
2-05-068.20-01-62.00-000 ZONED CPO

2. PROPOSED ZONING: IPM (INDUSTRIAL PARK MANUFACTURING)

3. SETBACKS:
EXISTING CPO - FRONT 10'; SIDE 5 (ADJOINING RESIDENTIAL 25'); REAR 15'

PROPOSED IPM - FRONT 60', SIDE & REAR 40' (100' ADJOINING RESIDENTIAL ZONE)

REZONING PLAN
OF
UNITED WORLDWIDE EXPRESS, LLC
NORTH LITTLE CREEK ROAD
DOVER, DE

SITUATE PARTIALLY IN:
CITY OF DOVER, EAST DOVER HUNDRED
AND PARTIALLY IN EAST DOVER HUNDRED,
KENT COUNTY, STATE OF DELAWARE

**SCOTT ENGINEERING, INC.**
Consulting Engineers · Surveyors · Land Planners

22 Old Rudnick Lane, Suite 2
Dover, DE 19901302-736-3058

DRAWING NO.	3220	SCALE:	1"=150'
DRAWN BY.	S.E.I.	RZ-1	



DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 4, 2026

PLANNING COMMISSION MEETING OF February 17, 2026

Plan Title:	Bay Pointe Apartments Project (One Building Concept), C-26-01
Plan Type:	Conditional Use Site Plan
Previous Applications:	C-20-05, C-21-04
Location:	1100 Bay Road, Dover DE 19901 Southwest side of Bay Road, end of Lafferty Lane
Tax Map IDs:	ED-05-086.00-01-20.00-000
Owner/Applicant:	Patel Hospitality Properties, LLC
Combined Site Area:	3.302 +/- acres
Zoning:	C-4 (Highway Commercial Zone)
Current Use:	Vacant Land
Proposed Use:	One (1) Apartment Buildings with (54) Total Dwelling Units and associated site improvements - (38) 1-bedroom apartment units - (16) 2-bedroom apartment units
Off Street Parking:	Required – 122 spaces Proposed – 131 spaces
Water:	City of Dover
Sanitary Sewer:	Kent County Department of Public Works
For Consideration Recreation Area:	Active Recreation Area Plan Required – 10,000 SF Active Recreation Provided – 13,390 SF Recreation Area

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: February 4, 2026

**City of
Dover
Planning
Office**

APPLICATION: Bay Pointe Apartments Project (One Building Concept) at 1100 Bay Rd, Dover

FILE #: C-26-01

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, Principal Planner PHONE #: (302) 736-7196

Note: This Review Report was initially prepared by Staff of the Rossi Group (under a Planning Services contract with the City of Dover). The DRAFT Report was completed with additional review and editing by the City's Planning Office.

I. PLAN SUMMARY

This application is for review of a Conditional Use Site Plan to permit the construction of a Multiple Family Dwelling Unit (Apartment) Building, a three-story 59,313 SF Gross Floor Area building with 54 apartment units (16 two-bedroom, 38 one-bedroom), and associated site improvements. The proposed Apartment building requires Conditional Use review in the C-4 (Highway Commercial Zone) zoning district. The three existing lots were consolidated into a 3.302 +/- acre parcel and are zoned C-4. The property is located on the southwest side of Bay Road at the intersection with Lafferty Lane. The owner of record is Patel Hospitality Properties. Property Addresses: 1080, 1100, and 1106 Bay Road. Tax Parcel Number: ED-05-086.00-01-20.00-000.

II. PROJECT DESCRIPTION

The subject property is located at the southwest side of Bay Road, with Delaware Route 1 running alongside the west and north portions of the project site, at the intersection of Lafferty Lane. The applicant proposes to construct one (1) three-story Multiple Dwelling-Unit (Apartment) Building of 54 total Dwelling Units (16 two-bedroom, 38 one-bedroom) and to be known as Bay Pointe Apartments.

The property is surrounded on the west, north and south by right-of-way for Delaware Route 1. Properties across Bay Road to the east and north of Lafferty Lane are also zoned C-4 (Highway Commercial Zone) and C-3 (Service Commercial Zone). Across Bay Road to the east and south of Lafferty Lane is the Kings Cliffe Manufactured Home Parke, which is zoned MH (Manufactured Housing Zone). Previous Application C-21-04 Bay Pointe Apartments (One-Building Concept) was approved by the Planning Commission in May 2021 and with an updated Active Recreation Plan. As the time period for the plans has expired, this application C-26-01 is a resubmission of the Plans.

Previous Applications

The subject property was previously the subject of another Conditional Use Site Development Plan with associated Lot Consolidation Plan identified as C-20-05; it was also named “Bay Pointe Apartments.” Application C-20-05 was submitted by the same Applicant and had similarly sought to develop the combined parcels as Apartments, but as two (2) Buildings. The Application C-20-05 as a two-building concept proposal similarly noted (54) total planned dwelling units (apartment) but proposed limited Active Recreation Space and showed a different drive aisle/parking space configuration design of the site. Application C-20-05 was heard by the Planning Commission at their December 2020 meeting but was not approved.

The applicant then submitted a Conditional Use Site Development Plan with associated Bay Pointe Apartments as a One-Building Concept and with an updated Active Recreation Plan identified as C-21-04. The application was approved by the Planning Commission in May 2021 and after receiving an Extension of Approval in May 2023; it then achieved Final Plan Approval on June 27, 2023. An Administration Building Permit to start the temporary site entrance and site clearing activities was issued. Since this authorized site work did not continue beyond the basic stone entrance the plan approval expired. The parcel consolidation that was part of C-21-04 was recorded.

III. ZONING REVIEW

C-4 (Highway Commercial Zone)

The application is a Conditional Use Site Plan for the proposed construction of one apartment building. Apartments and multi-family dwellings in the C-4 Zone are Conditional Uses which require approval from the Planning Commission. (*Zoning Ordinance*, Article 3 Section 16.2)

Article 3 Section 16.1 Highway commercial zone (C-4)

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Restaurants.
- (d) Personal service establishments.
- (e) Service establishments.
- (f) Hotels and motels.
- (g) Places of public assembly.
- (h) Bus terminal.
- (i) Wholesale, storage, warehousing, and distribution establishments.
- (j) Indoor or outdoor recreation and amusement establishments.
- (k) Hospitals and medical centers.
- (l) Drive-throughs.
- (m) Motor vehicle, boat, or farm equipment sales or service:
 - (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
 - (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
 - (3) Vehicle lifts or pits, dismantled and disabled automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
 - (4) All service or repair of motor vehicles, other than such minor servicing as change of

- tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
- (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
 - (6) No fuel pumps shall be located nearer than 15 feet to any street line.
 - (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
 - (n) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
 - (o) Mini-storage facilities, subject to the following regulations:
 - (1) No unit shall be placed within 30 feet of a residential property line.
 - (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when completely parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
 - (3) No individual unit may be used for retail, garage sale, or any other commercial activities.
 - (4) No storage of flammable, explosive, corrosive, or other hazardous products may occur in the individual unit.
 - (5) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office.
 - (p) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

16.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

- (a) Apartments and multi-family dwellings.
- (b) Crematory, subject to the following requirements:
 - (1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.
 - (2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one-half feet high. All landscaping shall be properly maintained throughout the life of the use on lot.
 - (3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.
 - (4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

This Conditional Use Site Plan is subject to the requirements of Article 10 §1 further discussed below.

With Conditional Use Site Plan applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The following sections of the *Zoning Ordinance* which relate to the role of the Commission in

reviewing Conditional Use Site Plan applications are particularly relevant when reviewing this application:

Article 10 §1.1 Accessibility for emergency response. That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 Harmony of location, size and character. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

IV. PARKING SUMMARY

The parking requirement for apartments in the C-4 (Highway Commercial Zone) is based on a rate of two (2) parking space per dwelling unit plus 0.25 space per dwelling unit for visitor parking and one parking space for every 200 SF of office space. Based on the number of dwelling units (54 units), this site would require 122 parking spaces. The submission does not indicate office space. The plans submitted identify a total of 131 parking spaces, including six (6) ADA-accessible parking spaces. The typical parking spaces are nine feet wide and the ADA parking spaces are eight feet wide. Four of the ADA spaces abut a 60-inch access isle.

The Plans only indicate there is one van accessible space provided. However, two of the six handicapped parking spaces are van accessible - sharing the 120-inch access isle, but only one is labeled as such. While the minimum required number of van accessible spaces (1) has been met, that similarly placed space could be utilized as a second van accessible space with matching signage.

The Plans note the location of the van signage in the space next to the one labeled “VAN”, not in the space itself and should be moved to align with the van accessible space. Also, the van signage does not appear to comply with ADA requirements in that van accessible spaces must have two signs, the international symbol of accessibility and a second sign stating that the space is van accessible, mounted at least 60 inches above the ground (measured to the bottom of the sign). The signage shown on Sheet 11(4) has the van access sign below the 60-inch height requirement indicated for the sign above whereas the signage height should be measured from the bottom of the lowest placed sign on the mount.

Supplementary Parking Requirements

Article 6 §5.3 of the *Zoning Ordinance* lays out additional stipulations for parking specific for “Multiple Dwelling” (Apartments):

5.3 Supplementary parking regulations for multiple dwellings. No parking space shall be located in any front yard or within three feet of any lot line in side or rear yards. The parking of motor vehicles within 15 feet of any wall or portion thereof, is prohibited. Except for electric vehicle charging stations, no automobile service shall be permitted to be extended to users of the lot, including sales, repair or fueling, and no gasoline, oil, grease, or related supplies shall be stored or sold in any such lot or in any garage on such lot.

The plans submitted note the distance between the physical parking spaces and the main structure of the building with the closest being 15.39 feet from the main structure. Planning Staff confirms the current layout meets these parking criteria.

Bicycle Parking

Bicycle parking is required at a ratio of one space for every twenty parking spaces. If the site is to be served by 131 parking spaces, seven (7) bicycle parking spaces are required. The Data Column notes eight (8) bicycle parking spaces are planned, and the Site Plan shows them located on the northwest side of the Apartment Building in a covered bike rack.

V. SITE CONSIDERATIONS

Access

There is one entrance proposed to the site: a full access drive at the signalized intersection of Bay Road and Lafferty Lane. The design of the entrance access to Bay Road is subject to review by DelDOT, as Bay Road is a state-maintained road. The Entrance connects to the main two-way drive which loops around the entirety of the main building. Most parking spaces are shown to have direct access to this main drive aisle.

Sidewalks

Sidewalks are required along the Bay Road street frontages of the site (*Zoning Ordinance*, Article 5 Section 18). The plan shows a multi-use path of ten (10) feet in width as required along the Bay Road frontage. Sidewalk is proposed on the south side of the proposed entrance drive from Bay Road leading into the site connecting to a sidewalk that runs along the inside of the Parking Lot area and encompasses the entirety of the Apartment Building. The on-site sidewalk system connects across the Parking Lot to the north where the Plans show an Active Recreation Area is to be provided.

Pedestrian access into the Apartment Building is currently shown at the center of the western façade, as well as the southeast and northeast ends of the eastern façade. This access appears to be sufficient to access the Building from various points.

There is a multi-use pathway known as the St. Jones Greenway on the west side of State Route 1; however, it is not readily accessible from the subject property. Additionally, there are currently no other sidewalks or multi-use paths along either side of this Bay Road segment. The multi-use path proposed in this plan would be the start of a pedestrian system in this southern segment of Bay Road. However, it would not directly connect to other pedestrian-only facilities; the roadway system does have limited paved shoulders.

There are five (5) crosswalks included on the Plans: at the south sidewalk entrance across the parking lot, the north end of the building to the Active Recreation Area, across the Bay Road front entrance through the traffic islands, from the south-end of the front crosswalk island crossing from Bay Road to the island on Lafferty Lane, and across the traffic islands on Lafferty Lane. It is unclear from the Plans if the crosswalks at the intersection will also have Accessible Pedestrian Signal (APS) pushbuttons or pedestrian lights installed to facilitate safe crossing – especially crossing both Bay Road and Lafferty Lane.

Curbing

Upright curbing for the parking lots and drive aisles is required per the requirements of Article 6 Section 3.6(b) of the *Zoning Ordinance*. This curb type appears to be utilized throughout the site layout. Pedestrian connections with detectable warning surfaces are present at each of the crosswalk connections.

Lighting

Lighting is proposed throughout the site where parking is provided. Most lighting is located along the perimeter and on the parking islands in the larger parking lot area (Sheet 8). It is unclear if there will be exterior lighting on the Apartment Building itself.

Rear Emergency Access

Emergency rear access is required for some residential dwelling types. According to Article 5, Section 17 of the *Zoning Ordinance* a 16 ft. wide alley or 18 ft. wide Secondary Fire Lane is required for apartments that are 2-3 stories to serve as rear access. This is to provide access to rear building areas. The Plans submitted note that the access drive aisle planned around the entire perimeter of the building is (24) feet wide which satisfies the Rear Emergency Access requirements of the *Zoning Ordinance*. It remains unclear as to which façade (west or east elevation) serves as the front (and rear) of the Apartment Building.

The Fire Marshal's Office will also evaluate these fire protection measures as related to the fire lane requirements of the applicable Fire Codes.

Dumpsters

According to *Zoning Ordinance*, Article 5 §6.12, the Dumpster requirements for an Apartment Complex are two (2) Dumpsters required for the first 48 apartments, and one (1) for each additional 24 apartments or fraction thereof. The plans submitted identify one (1) Dumpster enclosure, containing three (3) Dumpster units. This is therefore compliant with Code requirements.

The plans submitted further identify the details of the Dumpster enclosure. Specifically, it will be surrounded by an eight-foot-tall CMU dumpster enclosure. This enclosure is also shown to have gates. The gate material is stated as a wood privacy fence. The placement of the dumpster enclosure appears to be out of the 30-foot setback requirement for Article 5 §7.3 *Arterial street buffers*, but the distance of that structure from the right-of-way is not labeled on the Development Plan.

Arterial Street Buffer

According to *Zoning Ordinance*, Article 5 §7.3, a 30-foot buffer is required for nonresidential zoned property that fronts on a principal arterial street. The northwest side of this C-4 (Highway Commercial Zone) parcel abuts Delaware Route 1 and a 30-foot buffer from the right-of-way is therefore required. The same is required along Bay Road.

7.3 Arterial street buffers. Where nonresidential zoned property fronts on a principal arterial street, as designated by the comprehensive plan, a landscape buffer shall be required in addition to normal landscaping of the street right-of-way. This landscape buffer shall be required when the property is subject to site development plan review or site development master plan review by the

planning commission according to appendix B, zoning, article 10, planning commission. Arterial street buffers shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street.

The Development Plan shows the buffer as a “30-foot Arterial Street Setback” and appears to be in compliance with the ordinance.

VI. BUILDING ARCHITECTURE

The Plan submission includes Architectural Renderings presenting a single elevation noted as the “Front elevation.” The Drawing also does not include a rendering of the “rear” (west) side of the building nor the north and south ends of the structure.

The Rendering shows only one elevation, labeled “Front Elevation.” This elevation appears to be the east elevation that fronts Bay Road. There are no main entrances labeled in the rendering but rather shows a series of patios with two patio doors at ground level at the rear. It is assumed these unlabeled rear doors are specific to particular units and the one double-door entrance at the rear (west side) of the building shown on the Development Plan is the main entrance.

The exterior finish of the Apartment Building is comprised of a stone veneer at the first-floor watertable level and then horizontal siding for the remainder of the first, and then second and third levels. This siding is shown in three neutral colors: slightly lighter and darker beige colors, as well as a gray color. The exact materials proposed are not specifically identified. The horizontal lines of the siding are broken by the vertical protrusions of the balconies which are lined with white vertical trim and encased with black railings. As with the wall materials, the trim and railing materials are also not identified. The drawings show a flat roof.

VII. TREE PLANTING AND LANDSCAPE PLAN

Zoning Ordinance, Article 5 §16 lays out the requirements for tree planting and preservation. A new project is required to provide tree planting at a rate of one (1) tree per 3,000 SF of the “Development Area.” With a stated overall site area of 143,857 SF, this would put their tree plantings requirement at a minimum of forty-eight (48) trees. The current landscaping plan is proposing to plant 54 new trees.

The Landscape Plan (Sheet 7) indicates that there are 0.00 AC of woodlands in the project area. However, the Active Recreation Area Plan lists the prior use as “vacant, wooded” and portions of the Existing Conditions (Sheet 2) that are to be cleared for the development currently appear to contain woodland-type vegetation (approximately 54,000 SF) and would therefore require tree preservation measures per Article 5 §16 of the Zoning Ordinance if the vegetation to be cleared meets the Article 5 §16.2 definition.

Article 5 §16.2 Definitions

Woodland. An area of contiguous wooded vegetation (7,500 square feet or greater), where trees exist at a density of at least one tree with a caliper dimension of six inches or greater per 375 square feet of land and where the tree branches form a contiguous canopy.

Article 5 §16.5 Woodland Preservation

16.51 Tree preservation and selective clearing plan required. All site development proposals which involve the development of woodland areas and require planning commission approval

shall include a tree preservation and selective clearing plan as part of the submission plan. The tree preservation and selective clearing plan shall be prepared in accordance with the provisions of subsection 16.5, subsection 16.7 and subsection 16.8 of this section.

The submitted plan includes the landscaping approach for the overall project. The current Landscape Plan (Sheet 7) and Existing Conditions (Sheet 2) do not include Notes or statements if the site was evaluated by a licensed professional and determined to have no woodlands present. The Landscape Plan shows a mixture of deciduous trees, evergreen trees, and flowering trees to provide a total of 54 trees, meeting the minimum requirements for non-woodland areas. The trees are proposed in groupings along the Bay Road frontage, adjacent to the building, and along the periphery of the parking lot. It appears that some of the proposed tree plantings may conflict with underground Stormwater Management Facilities.

VIII. ACTIVE RECREATION AREA

The *Zoning Ordinance*, Article 5 §10 sets out requirements for open space and recreation areas within residential developments. *Zoning Ordinance*, Article 5 Section 10.514 notes that a residential development of 10 or fewer acres with a density over six (6) units per acre shall provide Active Recreation at a rate of 150 SF of active recreation area per dwelling unit, or 10,000 SF of active recreation area, whichever is greater. As the development overall is proposed to provide 54 total dwelling units (requiring 8,100 SF), the site would be required to provide a minimum of 10,000 SF of Active Recreation Area. The Site Plan submitted shows a designated Active Recreation Area of 13,390 SF +/- provided at the north end of the site.

The Active Recreation Area includes several amenities including a gazebo with picnic table area, kayak storage, outdoor fitness area, and a sand volleyball court. A sidewalk provides direct access to the Active Recreation Area from the main Apartment Building and across the parking lot. There is also a sidewalk linkage from the Recreation Area to the multi-use path along Bay Road. There are no exterior lights within the Active Recreation Area. The Active Recreation Area proposal will also be evaluated in a separate Review Report.

IX. CITY AND STATE CODE REQUIREMENTS:

The subject proposal has been reviewed for code compliance, plan conformity, and completeness in accordance with the agency's authority and area of expertise. The following items have been identified as elements which need to be addressed by the applicant:

- 1) The Planning Commission must review and make a determination regarding the Conditional Use for an Apartment Building use in the C-4 zone.
- 2) The Active Recreation Plan will reviewed by the Parks, Recreation and Community Enhancement Committee. This review is scheduled for February 10, 2026. A separate Active Recreation Area Plan Report will be issued.
- 3) Site Improvement Plan, Sheet CS-1001:
 - a. Include all bulk standards both as required and proposed.
 - b. Note the setback, parking, and tree count both as required and proposed.
 - c. Include the tree planting and landscaping figures, both as required and as proposed.
 - d. Update Site Plan for location of van accessible signage to align with van accessible

- parking space
- e. Include labeling for all pedestrian connections and types.
 - f. Update the Site Data Column and other parcel references to reflect the parcel consolidation. The parcel number should be listed as ED-05-086.00-01-20.00-000.
- 4) CS2201 Lighting Plan:
- a) Please note if there is to be any lighting proposed on the perimeters of the buildings themselves this detail should be included on the Architectural Renderings. The Lighting Plan does not include any lighting coverage for the Active Recreation Area.
- 5) In addition to labelling the building elevation as “Front,” please also note the façade based on its relative cardinal direction (east, west, etc.).
- 6) CS0201 Existing Conditions Plan:
- a) It is noted that there is currently 1,049 SF of impervious surface on the site. Please ensure that this area is identified and quantified in the Notes column on CS0201 (Existing Conditions Plan).
- 7) CS2001 Landscape Plan:
- a) Staff recommends including notation withing the Landscape Plan that the site was independently assessed by a licensed professional for the presence of woodlands and if the vegetation to be cleared meets the Article 5 §16.2 definition. If so, include submission of a tree preservation plan with the inclusion of tree mitigation practices, as necessary. Please ensure that this is identified on Sheets CS0201 (Existing Conditions Plan) and CS2001 (Landscape Plan). If tree mitigation is required, all tree mitigation must occur on-site unless an off-site location is specifically approved by the planning commission. If an evaluation determined that there is no woodland present, please add a note to verify this on the Landscape Plan.
 - b) Ensure placement of any trees/ landscaping does not conflict with any underground utilities/ stormwater management systems and other utilities, complies with separation distances.
 - c) Please show the multi-use path.
- 8) CS6001 Site Details:
- a) Update Sheet CS6001 (Site Details) signage for the van accessible sign height to be measured from the bottom of the lowest placed sign on the mount.
 - b) Update Sheet CS6001 (Site Details) to include a “Type 1” pedestrian connection diagram identified from Sheet 3.

IX. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

In accordance with the *Zoning Ordinance*, Article 10 §1, the Planning Commission in considering and acting upon Conditional Use Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed

intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 1.1 to 1.2.

- 1) Conditional Use for Apartments: The request is for the construction of Apartments through the Conditional Use process. The location of this residential development is in proximity to other residential areas (a manufactured home community), to a variety of commercial, service, and office establishments, and employment opportunities. The location is very close to Dover Air Force Base (DAFB) and may provide an opportunity for housing of personnel and their families. The property location is on Bay Road near an access point to Delaware Route 1 and therefore is easily accessed by vehicle but has more limited pedestrian access.
 - a) The development offers another residential housing option in the City in the form of a higher density apartment use, which supports affordable housing goals.
 - b) Evaluate and implement any building construction techniques that may be necessary to abate nearby traffic noise.
- 2) Active Recreation Area: Staff is satisfied with the proposed plan to meet the Active Recreation Area requirements provided by the Applicant. Planning Staff notes that the minimum size required for the Active Recreation for this project is 10,000 SF and the Applicant has identified an area dedicated to Active Recreation on site at 13,390 SF. Planning Staff would therefore recommend approval for the proposed Active Recreation Plan.
- 3) Multimodal/ Pedestrian Accessibility: Accessibility should be provided throughout the site to ensure all tenants have equal access to all the site's amenities and features. This should include:
 - a) At least one picnic table to be provided should have access to it provided by a sidewalk, and at least one (1) accessible space for seating.
 - b) Implement traffic control measures at the entrance area and drive aisle to facilitate movements and safe pedestrian entry.
 - c) Evaluate Landscape opportunities adjacent to the building for the privacy of 1st floor units, screening of equipment, etc. These, however, must remain compliant with fire safety requirements.

X. ADVISORY COMMENTS TO THE APPLICANT:

- 1) In the event, major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Conditional Use Site Plan contact the Department of Planning and Inspections. Examples include relocation of site components like paving and increases in floor area. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the Plan.
- 2) Following Planning Commission approval of the Conditional Use Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and the other commenting agencies. Upon determination that the

Plan is complete and all agency approvals have been received; copies of the Plan may be submitted for final endorsement (Final Plan Approval).

- 3) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 4) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Building Inspections Staff and City of Dover Fire Marshal regarding these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.
- 5) The applicant/developer shall be aware that prior to any development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to clean up existing vegetation, the import of fill dirt, etc.
- 6) Construction may have an effect on the adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of potential customers or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.
- 7) The addresses for the new building proposed on the property will need to be confirmed with the City's Tax Assessment Office. It appears that the consolidation of the properties has resulted in an address of 110 Bay Road.
- 8) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.
- 9) The applicant shall be aware that Conditional Use Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. Building Permits will be required for the apartment building and the active recreation amenities (i.e. gazebo).
- 10) The applicant shall be aware that Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance*, Article 5 §4.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JANUARY 28, 2026



APPLICATION: Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

FILE #: C-26-01

REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater

CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services

CONTACT PHONE #: 302-736-7025

CONTACT EMAIL: jlyon@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

SANITATION

1. Every commercial customer shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers. The City of Dover shall provide commercial customers with a maximum of two (2), 90-gallon trash containers and two (2), 90-gallon recycling containers.
2. Trash collection site shall be oriented for side-loading pick-up if customer is utilizing City of Dover sanitation services.
3. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.
3. Please coordinate with the City of Dover to obtain as-built information from a recent stormwater project. The installed infrastructure surrounds the property.

STREETS

1. Final site plan approval will not be granted until a letter of no objection, signed by DelDOT is submitted to our office.
2. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb. Sidewalk and curb shall be installed for the width of the project scope.
3. It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the city manager.

4. Please provide an entrance plan for the work proposed on Innovation Way. At minimum, this plan shall provide the radius' of the entrance, grade elevations and turning diagrams to provide evidence that the improvements will not be detrimental to traffic or drainage.
5. Please add the following notes to the plans:
 - a. Standard City of Dover sidewalk, as per chapter 98, article IV of the Dover Code of Ordinances, shall be required to be installed along the entire public street frontage of a property. Where frontage sidewalk exists but does not meet the standards of chapter 98, article IV, the sidewalk shall be re-laid to meet the standards. Sidewalk shall include barrier-free access ramping at points of intersection with street crossings and at other locations so as to afford reasonable barrier-free pedestrian movement and site access.
 - b. In accordance to Appendix A, Article VI, Section B.3, all sidewalks shall ascend from the curbstone to the building line at the ratio of one-quarter of an inch to the foot. Nothing in this section shall be construed to affect any pavement previously laid by order of the city council, until it is taken up and relaid.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
 - b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Water & Wastewater specifications and requirements.
 - c. The site contractor shall contact the City of Dover Department of Water & Wastewater Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Water & Wastewater must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Water & Wastewater will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. Water services shall be either type K copper or SDR-9. 1. All non-metallic water lines (mains and services) shall be installed with a tracer wire and identification tape. The wire shall be a minimum of twelve (12) gauge blue coated solid copper wire, wrap

around the pipe, and extending up into all valve and curb boxes. The identification tape shall be six-inches (6") wide, laid one foot (1') above the pipe, with the following text: "Caution: Buried Water Line Below". 3M marker balls, model 1423-XR, or approved equal shall be installed at every service line connection to the water main and all bends on the service line.

8. On October 24, 2022, City of Dover Council approved the new Cross Connection Control Program. This program requires certain backflow prevention assemblies on water service connections to the city's distribution system. Please provide a specific description of the activities within this project.
9. A minimum of fifteen feet (15') shall be provided between the fire hydrant and fire hydrant valve.

WASTEWATER

1. The wastewater main that is existing belongs to Kent County Department of Public Works, their approval of this plan will be required prior to staff provided our final approval.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. No trees may be planted within ten feet (10') of utility infrastructure.
3. The final site plan must be submitted in the following compatible digital formats:
 - a. AutoCAD 2018 (.dwg format).
 - b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans must be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.
3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Water & Wastewater directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees will be required to be paid prior to Certificate of Occupancy for this project.

WASTEWATER

1. None.

GENERAL

1. Please provide a profile to confirm that all utilities are installed with proper clearances from the proposed storm sewer line.
2. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
3. This project will require a State Utility Permit to be submitted to Delaware Department of Transportation. This application shall be created by the developer.

4. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER ELECTRIC

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JAN 28, 2026

APPLICATION: Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

FILE #: C-26-01

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Shawn Burgett, Engineering Services & System Operations Superintendent

CONTACT PHONE #: 302-674-7568

CONTACT EMAIL: sburgett@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Any relocation or upgrade of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.
2. Owner is responsible for locating all existing underground facilities to include electric, water and gas.
3. Owner is responsible for site and/or street lighting.
4. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
5. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
6. All Engineering and design for Dover Electric will be engineered upon receipt of final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

GENERAL

1. Final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format), if applicable.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

1. Owner must give the City of Dover Electric Department three (3) months' notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: <https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>

ADVISORY COMMENTS TO THE APPLICANT

1. Provide load sheets as soon as possible for proper sizing of transformers and creation of primary fee estimates. Current load sheets can be found at the following link:
<https://www.cityofdover.com/media/Electric%20Department/COD%20Electric%20Load%20Sheet.pdf>.
2. Electric service is currently provided by the City.
3. If any upgrade to electric supply needs to be accomplished, customer will be responsible for all costs associated with the project.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/28/26

APPLICATION: Bay Pointe Apartments at 1100 Bay Rd

FILE #: C-26-01 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposed occupancy classification is apartments.
2. Building Access shall be no further than 50 feet from a primary entrance.

Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.4)

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)

4. Perimeter access shall be 75% and clearly shown on the plans.

Perimeter Access minimum width shall be 10 feet for one-story buildings and 15 feet for buildings of two or more stories, measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, and shall not interfere with emergency services fire ground operations.

If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.5)

Where parking is located between the building and perimeter access area, parking shall not be located closer than 10 feet to the exterior wall for one-story buildings and 15 feet to the exterior wall for building of two or more stories.

5. Fire lanes shall cover 35% (plus rear access) of the proposed building.

Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.

The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall and the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or 30 feet if over four stories in height.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5)

6. Where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.4.1)

Where parking is located between the building and the perimeter access area, parking shall not be located closer than 10 feet to the exterior wall for one-story buildings and 15 feet to the exterior wall for building of two or more stories. 2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.5.2

7. All Fire Lanes shall be marked as follows:

both the inner and outer edges of the fire lane shall be marked, where curbs are present, the top and face of the curb shall be painted yellow, where no curbs are present, a four inch (4") solid yellow demarcation line shall mark the edge(s) of the fire lane.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

8. The specific color yellow shall be the uniformly accepted yellow as utilized by State of Delaware Department of Transportation (DelDOT). Only vivid and durable paint shall be used and shall be suitable for street surfaces

9. Fire lane signs shall be located as follows:

see Figure 5-16 – Approved Sign For Marking Fire Lanes, fire lane signs shall be spaced at 150 foot intervals maximum, all fire lane signs shall be located no less than six feet (6') and no higher than eight feet (8') above the pavement, signs shall be placed at each end of the fire lane, and signs shall face all oncoming traffic.

Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs and shall conform to the specifications of 7.6.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

10. Where overhangs, canopies, balconies, or any other building or site features must project over any fire lane, an unobstructed vertical clearance of not less than 13'-6" above the fire lane shall be provided and the portion of the building perimeter which contains overhangs, canopies, balconies, or any other building features shall not apply towards the fire lane accessibility requirements of Section 4.0, Table 5-1 in this chapter.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)

11. All access roadways shall be paved and be a minimum of 20 feet clear width for two-way traffic and 14 feet clear width for one-way traffic. The paved width of access roadway shall be measured from edge of parking spaces, or face of curb for vertical curb and back of curb for mountable curb, or edge of pavement if there is no curbing. (2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 5.2)

12. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain,

climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

13. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.

14. Fire hydrants shall be installed per the requirements of City of Dover Public Utilities Water/Wastewater Handbook, NFPA requirements, and Delaware State Fire Prevention Regulations. City Ordinance Sec 46-9 (f).

5.1.1 Hydrant spacing as shown in the Fire Flow Tables shall be used as a general rule. Hydrants shall be located at the direction of the State Fire Marshal so as to minimize friction in fire hose. All hydrant spacing shall be located along available roads or at the direction of the State Fire Marshal. This measurement shall be calculated by way of accessible thoroughfare(s) from the building to be protected to the hydrant and may not necessarily be a radius. 5.1.3 Additional hydrants shall be provided when the State Fire Marshal deems it necessary based on the configuration of the site, building(s), exposures, construction, occupancy, and/or specific hazard(s).

Fire Flow table 2, hydrant spacing shall be 800 feet on center for one and two family detached dwellings, other residential, rowhouses and townhouses, assembly, health care, business, education, storage, industrial, mercantile, and mini storage. (702, Chapter 6)

NFPA 1

18.5.2 detached one- and two-family dwellings, fire hydrants shall be provided for detached one- and two-family dwellings in accordance with both of the following: 1. the maximum distance to a fire hydrant from the closest point on the building shall not exceed 600 feet 2. the maximum distance between fire hydrants shall not exceed 800 feet.

18.5.3 buildings other than detached one- and two-family dwellings, fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following 1. The maximum distance to a fire hydrant from the closet point on the building shall not exceed 400 feet 2. The maximum distance between fire hydrants shall not exceed 500 feet

15. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)

The owner is responsible if the hydrant is private.

16. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM - 1499 GPM - painted green, class B 500 - 999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black.

(2021 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)

The owner is responsible if the hydrant is private.

17. Hydrants are to be Darling Co. B-62-B Breakaway <https://american-usa.com/products/valves-and-hydrants/fire-hydrants/5-1-4-american-darling-b-62-b-5>

18. NFPA 72 compliant Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.

(City Code of Ordinances 46-171)

19. Sprinkler system required. System is to be monitored by an approved Fire Alarm System.

This chapter shall apply to all buildings, structures, marine vessels, premises, and conditions which are modified by more than 50% after the effective date of these Regulations. The 50% figure shall be calculated utilizing the gross square footage of the building, structure, marine vessel, premises and conditions as to arrive at the correct application.

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building.

In all buildings exceeding 10,000 square feet of aggregate, gross floor area.

In all buildings in excess of 40 feet in height or more than four (4) stories in height.

In all buildings or areas thereof used for the storage, fabricating, assembling, manufacturing, processing, display or sale of combustible goods, wares, merchandise, products, or materials when more than two (2) stories or 25 feet in height.

In all basement areas exceeding 2,500 square feet floor area.

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or

Type IV (2,H,H) construction exceeding three (3) stories or 3In all residential apartment buildings storage areas except individual unit closets that are located within individual residential living units.

In all buildings used as health care occupancies as defined in the Life Safety Code, NFPA 101, as adopted and/or modified by these Regulations. In all buildings or areas classified as "high hazard" under the Life Safety Code, NFPA 101, or "extra hazard" under the Standard for the Installation of Sprinkler Systems, NFPA 13, as adopted and/or modified by these Regulations.

All buildings used as dormitories, in whole or in part, to house students at a public or private school or public or private institution of higher education. (16 Del.C. Ch. 88) This applies to all such dormitories regardless if new or existing.

(2015 State of Delaware fire Prevention Regulations, 702, Chapter 4)

Places of assembly shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 150 persons or greater.

Any interior renovations of 50 percent or more to an existing place of assembly with an occupant load greater than 150 persons.

Any additions or increase in interior size to an existing place of assembly that would create an occupant load of 150 persons or greater.

Places of assembly where alcohol is served for consumption on the premises shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

Any interior renovation of 50 percent or more to an existing place of assembly with an occupant load greater than 100 persons and where alcohol will be served for consumption on the premises.

Any additions or increase in interior size to an existing place of assembly which would create an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.
(City of Dover Code of Ordinances 46-162)

NFPA 101, 12.3.5.1 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1): 1. Dance Halls 2. Discotheques 3. Nightclubs 4. Bars 5. Restaurants 6. Assembly occupancies with festival seating

20. Fire Department Connection is to be a 5-inch storz connection on a 30-degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

21. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)
22. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
23. All standpipe and sprinkler connections shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation. All standpipe and sprinkler connections shall have minimum of four inch (4") solid yellow demarcation lines to define specific areas, Solid yellow demarcation lines shall be measured from the center line of the connection and extend for a distance of four feet (4') on both sides, and where parking is allow between the building and the street or fire lane the solid yellow demarcation lines shall extend from the end of the sidewalk surface to the street or fire lane (Markings shall not be required on the sidewalk surface).

All fire department connections (standpipe and sprinkler) shall have a minimum 12" x 18" sign that reads FIRE DEPT. CONNECTION, sign lettering shall be a minimum of 3 inches (3") in height with red scotchlite letters on white scotchlite background. The sign shall be clearly visible from the fire lane or roadway, and signs using NFPA international symbols shall be an acceptable alternative. (2021 Delaware State Fire Prevention Regulations, 705, Chapter 6, 3)
24. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

In all Class A and Class B places of assembly and institutional occupancies two (2) stories or 25 feet in height or over,

In any building over three (3) stories, In any building over 35 feet in height,

In any building that has a floor above the first floor over 10,000 square feet gross floor area,

In all buildings where the 1st floor exceeds 60,000 gross square feet,

a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.

The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses.

Standpipes shall not be more than one floor below the highest forms of staging,

The 2½-inch of hose connections on Class I systems shall be provided in the following locations, At the highest intermediate landing between floor levels in every required exit stairway,

Where intermediate landing is not provided, hose connections shall be permitted to be located at the main floor landings in exit stairways when approved by the authority having jurisdiction, Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-high-rise buildings shall be designed to provide the required waterflow rate.

A sign shall be provided at each landing, in all interior stairways, designating the floor level. (2021 Delaware State Fire Prevention Regulations 702, Chapter 4, 2)

25. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms.

Dimensions of bollards. Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however, the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection.

Color of bollards. Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/chief building inspector. (City of Dover Code of Ordinances, 46-4)

26. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

One-family and two-family residential structures, height, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, *Arabic numerals*, all numbers shall be Arabic numerals.

Multiple-family dwellings, measurements, the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

property line or driveway, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

Arabic numerals, all numbers used shall be Arabic numerals,

Shopping centers. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.
(City of Dover Code of Ordinances, 98-344)

27. A lock box (Knox) containing any and all means necessary for fire department access shall be provided at the following occupancies: any occupancy that contains a fire alarm signaling system that is monitored off-site, or any occupancy that contains an automatic sprinkler system.
(2021 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.4)

Secured key systems. When required; exemption. A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection.

Location. The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box.

Required keys. Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required.

Ordering responsibility. It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings.

Installation before testing. No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box.

(City Code of Ordinances 46-127)

Knox Box to be mounted 6 feet above ground level

28. All required means of egress shall have an exit discharge consisting of a non-slip surface and leading to and terminating at a public way. NFPA 101
29. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2021 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)
30. Buildings over 25,000 Sq. Ft are to have radio performance testing done prior to Final CO. This must be scheduled in advance with an authorized vendor.
31. Project to be completed per approved Site Plan.
32. Full building and fire plan review is required.
33. Construction or renovations cannot be started until building plans are approved.
34. Fire alarm systems, fire suppression systems, hoods, exhaust ducts, and hood suppression systems require a fire permit from the Fire Marshal's Office. This work cannot be started until the permit is approved.
35. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
36. The following is City Ordinance, Appendix B-Zoning, Article 8 Enforcement and Penalties:

Section 1. - Building permits.

No building or structure in any district shall be erected or structurally altered without a building permit duly issued upon application to the building inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this ordinance. Any building

permit issued in violation of the provisions of this ordinance shall be null and void and of no effect, without the necessity for any proceedings for revocations or nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful (see section 4 for penalties).

1.1 No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon, or legal permanent access to, a public street improved to the satisfaction of the planning commission, or without access to a public sewer.

1.2 No building permit shall be issued for any building where the site development plan of such building is subject to approval by the planning commission, except upon approval of such plans approved by the said commission.

1.21 No building permit shall be issued for any building in a subdivision unless the subdivision plot has been approved by the planning commission.

1.3 No building permit shall be issued for a building to be used for any conditional use in any zone where such use is allowed only with approval of the planning commission, unless and until such approval has been duly granted by the said commission.

(Ord. of 7-12-1993, § 3)

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Please confirm that the islands have 14' clearance as outlined in item # 11 listed above
2. Please add a hydrant at the rear of the building

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
 2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
 2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
 2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
 2009 IBC (International Building Code)
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
 2021 Delaware State Fire Prevention Regulations
 City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

From: [Mobley, Will \(DeIDOT\)](#)
To: [Melson-Williams, Dawn](#); [Schwartz, Joshua \(DeIDOT\)](#)
Subject: EXTERNAL: DAC Comments 28 Jan 26 Staff Development Meeting
Date: Wednesday, January 28, 2026 5:04:46 PM

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Here are the comments from DeIDOT for the applications discussed in the DAC Committee Meeting.

AX-26-01 Lands of Fuller at 7 Nixon Ln

No objection to annexation.

AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels

No objection to annexation.

Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road

No objection to rezoning.

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

This project has an Entrance Plan Approval dated 5-10-23. Plan approval expires 5-10-26. Plans will need reapproval if no work is started before expiration date.

US-26-01 Dover Industrial Park Comprehensive Signage Plan

Ensure planned sign structure is outside of DeIDOT Right of Way. At a minimum the sign must be placed outside the clear zone of the state maintained frontage road and must not fall within the sight distance triangle located at the site entrance. Lastly Delaware Code 17 § 1108 Location and condition of advertising regulated. ---(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

Sincerely,

Will T Mobley III, PMP

Division of Economic Development, DELDOT

Interim Kent County Review Coordinator

Phone (302)-760-2409

Will.mobley@delaware.gov



KENT CONSERVATION DISTRICT

Item 5.

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
FEBRUARY 2026**

APPLICATION: Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

FILE #: C-26-01

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 - 5370

EMAIL: stormwater@kentcd.org

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. As the disturbance for this site will exceed 1 acre, a detailed sediment and stormwater management plan must be reviewed and approved by the District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the District's office.
2. The following notes must appear on the record plan:
 - a. The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - b. The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - c. A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

ADVISORY COMMENTS TO THE APPLICANT:

1. KCD currently has an approved plan for this project, which is valid until November 4, 2027. KCD also held a pre-construction meeting on May 7, 2024.
2. KCD will require an updated set of sediment and stormwater plans to be submitted for review and re-approval, and a 25% re-approval fee will be required at that time.
3. A letter of no objection to recordation will be provided upon approval of the Sediment and Stormwater Management Plan.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 2/4/2026

**Dover/Kent
County
Metropolitan
Planning
Organization**

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

FILE # C-26-01

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

Attached, please find comments submitted by Dover Kent MPO for each of the current City of Dover Development Advisory Committee (DAC) applications. These comments are a part of the MPO's ongoing goals of promoting transportation safety and connectivity within the region. They are submitted in accordance with the support given by the MPO Council on November 6, 2024.

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission
Conditional Use Site Plan Review

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

Dover Kent MPO recommends that the marked crosswalk connecting the eastern and western sides of Bay Road be moved southward, so that it utilizes the existing median as an area of refuge for pedestrians. Bay Road is a minor arterial with an Annual Average Daily Traffic (AADT) of 18,794 and a posted speed limit of 45 mph. Combined with the width of the road and the number of travel lanes, these conditions would make crossing Bay Road dangerous for pedestrians even with a designated crossing area. The crossing is also likely to see frequent use from residents of the new apartments. Considering that not all pedestrians will be able to cross the full length of the road within the provided time, a pedestrian refuge would be a valuable safety improvement in this location. This change to the entrance would set an example for pedestrian crossings on multi-lane roads in Dover, as there are many locations in the city with similar existing conditions. The applicant is encouraged to speak to DelDOT and Dover Kent MPO about this possibility.

The other elements of the plan address most of the issues Dover Kent MPO looks for in site plans. These elements include internal sidewalks, a shared use path along the property's frontage,



crosswalks at key locations, curb ramps, accessible parking spaces near the main entrance, bicycle parking, and a circular route around the building for trash collection and first responders. The applicant should ensure that all of these improvements follow the accessibility requirements of the City of Dover, DelDOT, and the Americans with Disabilities Act (ADA).

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.



DATA SHEET FOR RECREATION PLAN REVIEW
Review of Active Recreation Area Plan

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF February 10, 2026
PLANNING COMMISSION MEETING of February 17, 2026

Plan Title:	Bay Pointe Apartments (One Building Concept)
Plan Type:	Active Recreation Area Associated with Conditional Use Site Plan C-26-01
Location:	Southwest side of Bay Road at Lafferty Lane
Address:	1100 Bay Road
Tax Parcels:	ED-05-086.00-01-20.00-000
Owner/Applicant:	Patel Hospitality Properties
Site Area:	3.302 +/- acres
Zoning:	C-4 (Highway Commercial Zone)
Prior Use:	vacant, vegetated/wooded areas
Proposed Use:	One Apartment Building with associated site improvements
Dwelling Units:	54 units
Parking:	Required: 122 parking spaces Proposed: 131 parking spaces
Water:	City of Dover
Sanitary Sewer:	Kent County Department of Public Works
For Consideration Recreation Area:	Active Recreation Area Plan Required – 10,000 SF Provided – 13,390 SF

I. PROJECT SUMMARY:

This Application C-26-01 is for review of a Conditional Use Site Plan to permit the construction of a Multiple Family Dwelling Unit (Apartment) Building, a three-story (59,313 SF Gross Floor Area) building with 54 apartment units (16 two-bedroom, 38 one-bedroom), and associated site improvements. The property is zoned C-4 (Highway Commercial Zone) which requires approval of a Conditional Use Application for the proposed Apartment Building. The associated site improvements include a parking lot, multi-use path along the frontage of Bay Road and sidewalk connections from the parking lot to the building and from the multi-use path to the parking area. This project also includes landscaping along the Bay Road frontage and around and throughout the parking area.

Previous Application

This Apartment Building Plan was previously reviewed and approved as C-21-04 Bay Pointe Apartments in May 2021 by Planning Commission with Final Plan Approval in June 2023. That plan expired, and the applicant has submitted this new Application C-26-01 which replicates what was previously approved.

II. ACTIVE RECREATION AREA PLAN SUMMARY:

According to Article 5 §10.514 Residential developments of ten (10) or fewer acres with a density over six units per acre shall be required to provide 150 square feet of Active Recreation Area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. With this project of fifty-four (54) units, the Active Recreation Area requirement calculates to 8,100 SF which is less than 10,000 SF thus requiring the greater amount. The property is 3.302 acres; therefore, density is 16.3 dwelling units per acre.

The following table depicts the calculation of Active Recreation Area required and a summary of the amenities:

	<i>Required</i>	<i>Provided on Plan</i>
Active Recreation Area (Article 5 §10.514)	150 S.F. per dwelling unit or 10,000 SF whichever is greater to be provided on site. 54 DU = 8,100 SF Required = 10,000 SF Provided: 13,390 SF	• 13,390 SF • 248 SF +/- per dwelling unit Amenities: • Picnic Pavilion/Gazebo • Picnic Tables (5) • Outdoor Fitness Stations • Sand Volleyball Court • Canoe/Kayak Storage Other Site Improvements: • Access to sidewalk system and multi-use path • Covered Bicycle Parking rack (outdoor)

The Plans submitted include an Active Recreation Area Plan Sheet (Sheet CS1002; included as exhibit). This plan shows the extent of the planned Active Recreation Facilities on site. Located to the north of the main building and connected to the building and the multi-use path (along Bay

Road frontage) via a sidewalk, the Active Recreation Area is noted as being 13,309 SF +/- in area. It is to be comprised of a picnic area with associated gazebo and picnic tables, an area dedicated to outdoor fitness equipment, a storage facility for kayaks, and a designated sand volleyball court. These features are proposed in addition to the bicycle parking facilities (for minimum 7 bicycles), a sidewalk around the perimeter of the Apartment Building, and a connection to the multi-use path along Bay Road.

III. REVIEW PROCESS

The Planning Office has prepared this Active Recreation Area Report outlining the facilities proposed by the Applicant to meet the Active Recreation Area requirements. The Parks, Recreation and Community Enhancement Committee will need to consider the proposed Active Recreation Area proposal and make a recommendation. The Planning Commission must act to accept the proposed Recreation Area Plan as part of its review of the Conditional Use Site Plan.

The Parks, Recreation and Community Enhancement Committee will review the proposed Active Recreation Area facilities for Bay Pointe Apartments (C-26-01) at their meeting on February 10, 2026. The Planning Commission Public Hearing and Review of the Conditional Use Site Plan C-26-01 is set for February 17, 2026.

IV. CODE CITATIONS:

Dover Code of Ordinances, Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 10 – Open Space, Recreation and Other Public Facilities (select excerpts).

Article 5 Section 10

Section 10. - Open space, recreation and other public facilities.

The City of Dover shall require the reservation of open space, recreation and other public facilities in accordance with the provisions of this section as a condition of approval for all one-family dwelling, two-family dwelling and multiple-family dwelling residential developments requiring conditional use approval, site development plan approval, or land subdivision approval by the City of Dover Planning Commission.

10.1 Recreation areas.

10.11 Purpose. The purpose of this section is to ensure that active recreation areas are provided as an integral design element within residential developments and that such facilities are of an adequate scale in relation to the size of the residential development and which provide residents with a variety of active recreational pursuits.

10.12 Dedication required. The commission shall require the dedication or reservation of recreation areas, and the subsequent construction of recreation facilities of a character, extent and location suitable to the needs created by a development for recreation facilities as defined and in accordance with the design guidelines set forth.

10.13 Definition. The following are illustrative of the types of recreation areas and subsequent facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the recreation area requirements of this section: tennis courts, handball courts, racquetball courts, swimming pools, saunas and exercise rooms, meeting or activity rooms within clubhouses, baseball and soccer fields, basketball courts, volleyball courts, swings, slides and play apparatus, and developed walking, jogging or biking trails.

10.14 Recreation area review...

10.15 Design guidelines.

10.151 Accessible. Recreation areas shall be accessible within the development and arranged in a manner which affords reasonable access to all residents within the development. When warranted, recreation areas can be dispersed throughout the development, provided that each remote location is accessible.

10.152 Pedestrian oriented. Recreation areas shall be pedestrian oriented and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

10.153 Age oriented. The nature and scope of planned recreation areas shall reflect an awareness of, and sensitivity toward, the anticipated age groups that would reside within the proposed development.

10.154 Parking. Designs consider the need for parking facilities associated with recreation areas.

10.155 Walking, jogging and biking trails. Recreation trails shall only be counted toward the recreation area requirement when constructed as an accessory to central recreation facilities. The developed trail shall be the only area counted toward the area requirement.

10.156 Setbacks. No structure, equipment or game court surface required under this section shall be located nearer than 30 feet to any lot line of a lot to be used for residential purposes, nor nearer than 25 feet from any right-of-way line.

10.157 Landscaping. Such uses shall be landscaped in accordance with provisions of article 5, section 15, and where warranted, visual screening of parking areas, game courts, playground areas and other features as necessary to preserve and protect the interests of adjoining residential properties may be required.

10.158 Area. The minimum area of a remote recreation area shall be 2,000 square feet.

10.16 Area required. All residential developments shall provide recreational areas in a size equal to 275 square feet per dwelling unit or one-half acre of land, whichever is greater. In no case shall the commission require that more than ten percent of the gross area of the development be so dedicated or reserved when the gross area is greater than five acres.

10.17 Cash in lieu of recreation area construction...

10.5 Exemption to recreation area and open space dedication.

10.51 Exemptions for small developments.

10.514 Residential developments of ten (10) or fewer acres with a density over six units per acre. These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 150 square feet of active recreation area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. If the commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash-in-lieu amount shall be in accordance with subsection 10.173 of this article.

10.7 Council approval. Prior to acceptance by the planning commission, all areas planned for public dedication, or cash donations provided under this section must be submitted to, and approved by the

parks, recreation, and community enhancement committee of the City of Dover, and shall be subject to final review and approval by [the] city council.

V. STAFF RECOMMENDATIONS

Planning Staff recommends approval of the proposed Active Recreation Area for Conditional Use Site Plan Application C-26-01 Bay Pointe Apartments. The following are comments and recommendations from the Planning Office following review of the Active Recreation Area Plan.

- 1) Active Recreation Area: As a residential development, there is a requirement for Active Recreation Area. The Plans submitted note an area of 13,390 SF to the north of the building specifically designated as “Active Recreation Area.” The features of this Active Recreation Area identified include: a Gazebo and picnic area with picnic tables and seating; a covered Kayak Storage Facility; an Outdoor Fitness Station; and a Sand Volleyball court. Staff supports the proposed Site Improvements proposed to meet the qualifications of an Active Recreation Area.
- 2) Recreation Areas: Staff recommends approval and further recommends the following regarding improving functionality and accessibility of the Active Recreation Area for the potential residents.
 - a. Accessibility:
 - i. Implement accessible sidewalks connecting from the main building, across the parking lot (including any and all required crosswalk striping, and accessible ramps on all sidewalks) to the Active Recreation Area.
 - ii. The gazebo itself should be accessible with no steps required in order to enter. This can be achieved using site grading.
 - iii. At least one picnic table should have access to it provided via a sidewalk and at least one (1) accessible space for seating.
 - b. General:
 - i. Clarify if gazebo will have interior seating.

VI. ADVISORY COMMENTS

- 1) The Conditional Use Site Plan set depicting any Recreation Areas is to include appropriate improvements, plans, and details of the Recreation Area as approved.
- 2) There shall be provisions which ensure that any proposed Active Recreation Areas shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of the common use areas or provide for and establish one (1) or more organizations for the ownership and maintenance of all common space i.e. a Homeowners Association or other property management entity. The organization shall be responsible for maintenance, insurance and taxes on the recreation areas.
- 3) In the event, that major changes and revisions to the Plan occur in the finalization of the Plan, contact the Planning Office. Examples include reorientation of building, relocation of site components, changes in floor area or unit count, or design revisions impacting Active

Recreation Areas. These changes may require resubmission for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the plan.

- 4) The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Active Recreation Area requirements.

Attachments:

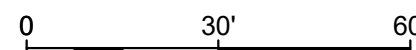
- Excerpts from Site Plan set C-26-01 Bay Pointe Apartments: Site Improvement Plan Sheet (CS1001), Active Recreation Plan Sheet (CS1002) and Landscape Plan Sheet (CS2001)

Note: This review Report was initially prepared by Staff of the Rossi Group (under a Planning Services contract with the City of Dover). The Report was completed with additional review and editing by the City's Planning Office.



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1. THE SUBJECT PROPERTIES ARE REFERENCED AS TAX MAP:
2-05-08600-01-1800-00001 (LOT 1)
2-05-08600-01-1900-00001 (LOT 2)
2-05-08600-01-2000-00001 (LOT 3)
2. TOPOGRAPHIC INFORMATION WAS TAKEN FROM FIELD SURVEYS BY PENNINO ASSOCIATES, INC PERFORMED IN OCTOBER 2020 AND SUPPLEMENTED IN AUGUST 2021.
3. MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-6555.
4. ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY, AND SHALL FOLLOW THE GUIDELINES SHOWN IN LATEST EDITION OF THE "MANUAL OF TRAFFIC CONTROL" FOR STREETS AND HIGHWAY CONSTRUCTION MAINTENANCE, UTILITY, AND EMERGENCY OPERATIONS."
5. UNLESS SPECIFICALLY STATED OR SHOWN HEREON TO THE CONTRARY, THIS SURVEY IS MADE SUBJECT TO AND DOES NOT LOCATE OR DELINEATE:
 - 5.1. RIGHTS OR INTEREST OF THE UNITED STATES OF AMERICA OR STATE OF DELAWARE OVER LANDS NOW OR FORMERLY FLOWED BY TIDEWATER, BUT NO LONGER VISIBLE OR PHYSICALLY EVIDENT; OR LANDS CONTAINING ANY ANIMAL, MARINE OR BOTANICAL SPECIES REGULATED BY OR UNDER THE JURISDICTION OF ANY FEDERAL, STATE, OR LOCAL AGENCY.
 - 5.2. BUILDING SETBACK LINES, ZONING REGULATIONS OR LINES ESTABLISHED BY ANY FEDERAL, STATE OR LOCAL AGENCY WHICH MAY AFFECT THE BUILDING OR DEVELOPMENT POTENTIAL OF THE SUBJECT PROPERTY.
 - 5.3. ANY SUBSURFACE OR SUBTERRANEAN CONDITION, EASEMENTS OR RIGHTS INCLUDING, BUT NOT LIMITED TO MINERAL OR MINING RIGHTS, OR THE LOCATION OF OR RIGHT TO ANY SUBSURFACE STRUCTURES, CONTAINERS OR FACILITIES OR ANY OTHER NATURAL OR MAN-MADE SUBSURFACE CONDITION WHICH MAY OR MAY NOT AFFECT THE USE OR DEVELOPMENT POTENTIAL OF THE SUBJECT PROPERTY.
6. UTILITY NOTES:
 - 6.1. THE LOCATION OF THE EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN HAVE BEEN TAKEN FROM EXISTING UTILITY RECORDS AVAILABLE AT THE TIME THESE PLANS WERE PREPARED AND FROM SURFACE OBSERVATION OF THE SITE. LOCATIONS OF UTILITIES AS SHOWN AND MAY OR MAY NOT BE COMPLETE. THE NATURE AND EXACT LOCATION OF EXISTING UTILITIES SHOULD BE VERIFIED PRIOR TO INITIATING ANY ACTIVITY THAT MAY AFFECT THEIR USE OR LOCATION.
 - 6.2. COMPLETENESS OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES AND STRUCTURES IS NOT GUARANTEED.
 - 6.3. THE CONTRACTORS SHALL VERIFY LOCATIONS AND DEPTHS OF ALL UNDERGROUND UTILITIES AND STRUCTURES BEFORE THE START OF WORK.
 - 6.4. IF CONFLICTS ARE FOUND THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND DESIGN ENGINEER FOR INSTRUCTION BEFORE PROCEEDING WITH WORK.
7. THIS SITE IS ZONED C-4 (HIGHWAY COMMERCIAL).
8. NO WETLANDS ARE FOUND ON-SITE PER EVALUATION BY PENNINO ASSOCIATES INC.



EXISTING TAX PARCELS

OWNER

OWNER ADDRESS

EXISTING ZONING

EXISTING USE

PROPOSED USE (CONDITIONAL USE)

PROPERTY ACREAGE (CONSOLIDATED)

PARKING RATIONALE

PROPOSED DUMPSTERS

PROPOSED LAND USE SUMMARY

LANDSCAPE PLANTING REGULATIONS

APARTMENT UNIT SUMMARY

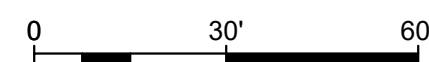
TOTAL UNITS	54
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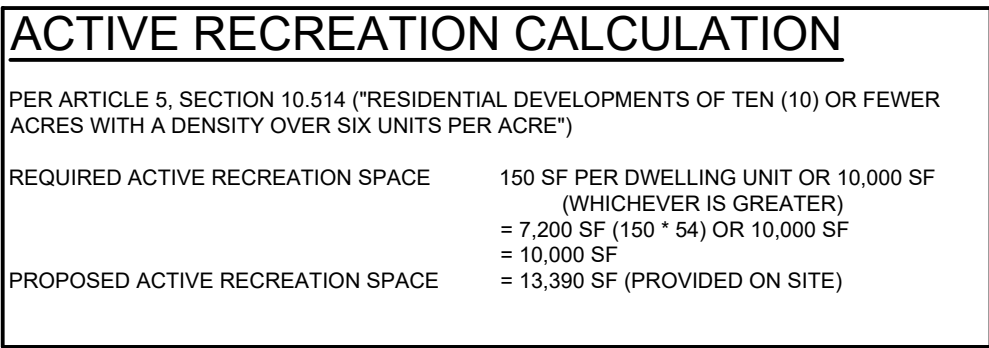
1. ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.

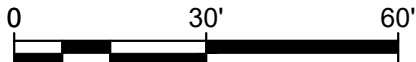
- FIRE MARSHAL NOTES:

- CITY OF DOVER GENERAL NOTES:

2. SANITATION SERVICES SHALL BE PROVIDED BY A PRIVATE SANITATION HAULER







1. BEDDING REQUIREMENTS SPECIFIED HEREIN ARE TO BE CONSIDERED AS MINIMUMS FOR RELATIVELY DRY, STABLE EARTH CONDITIONS. ADDITIONAL BEDDING SHALL BE REQUIRED FOR ROCK TRENCHES AND WET AREAS. CONTRACTOR SHOULD MAINTAIN THE RESPONSIBILITY TO CONSTRUCT THE WORK.
2. COMPACTION OF THE BACKFILL OF ALL TRENCHES SHALL BE COMPACTED TO THE DENSITY OF 95% OF THEORETICAL MAXIMUM DRY DENSITY (ASTM D698). BACKFILL MATERIAL SHALL BE FREE FROM ROOTS, STUMPS, OR OTHER FOREIGN DEBRIS AND SHALL BE PLACED IN LIFTS NOT TO EXCEED 8 INCHES IN COMPACTED FILL THICKNESS. CORRECTION OF ANY TRENCH SETTLEMENT WITHIN A YEAR FROM THE DATE OF APPROVAL WILL BE THE RESPONSIBILITY OF THE CONTRACTOR. MATERIAL THAT CANNOT BE COMPACTED AS REQUIRED SHALL BE BROUGHT TO THE ATTENTION OF A GEOTECHNICAL ENGINEER, OVER EXCAVATED, AND THEN REPLACED WITH SUITABLE FILL.
3. THE CONTRACTOR WILL INSURE THAT POSITIVE AND ADEQUATE DRAINAGE IS MAINTAINED AT ALL TIMES WITHIN THE PROJECT LIMITS. THIS MAY INCLUDE, BUT NOT BE LIMITED TO, REPLACEMENT OR RECONSTRUCTION OF EXISTING DRAINAGE STRUCTURES THAT HAVE BEEN DAMAGED OR REMOVED OR REGRADING AS REQUIRED BY THE ENGINEER, EXCEPT FOR THOSE DRAINAGE ITEMS WITHIN AT SPECIFIC LOCATIONS AND HAVING SPECIFIC PAY ITEMS IN THE DETAILED ESTIMATE. NO SEPARATE PAYMENT WILL BE MADE FOR ANY COSTS INCURRED TO COMPLY WITH THIS REQUIREMENT.
4. THE CONTRACTOR SHALL PROVIDE ANY AND ALL EXCAVATION AND MATERIAL REMOVAL RECORDS TO CONDUCT REQUIRED SOIL TESTS. THE ARRANGEMENTS AND SCHEDULING FOR THE TESTING SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
5. SOILS TESTING AND ON-SITE INSPECTION SHALL BE PERFORMED BY AN INDEPENDENT GEOTECHNICAL ENGINEER. THE SOILS ENGINEER SHALL PROVIDE A WRITTEN TEST REPORT TO THE CONTRACTOR. THE OWNER AND THE OWNER'S REPRESENTATIVE AND SHALL PROMPTLY NOTIFY THE OWNER, HIS REPRESENTATIVE AND THE CONTRACTOR, SHOULD WORK PERFORMED BY THE CONTRACTOR FAIL TO MEET BUILDING STANDARDS.
6. CONTRACTOR SHALL FURNISH AND MAINTAIN ALL NECESSARY BARRICADES AROUND THE WORK AREA AND SHALL PROVIDE PROTECTION AGAINST WATER DAMAGE AND SOIL EROSION.
7. MAXIMUM SIDEWALK CROSS SLOPE IS 2% AND MINIMUM SIDEWALK CROSS SLOPE IS 1% FOR ADA ACCESSIBLE AREAS.
8. VERTICAL ELEVATIONS ARE BASED ON NAVD 88.
9. ALL SLOPES MAXIMUM 3:1 UNLESS OTHERWISE NOTED.

PATEL HOSPITALITY PROPERTIES
3171 DUPONT PARKWAY
TOWNSEND, DELAWARE 19734

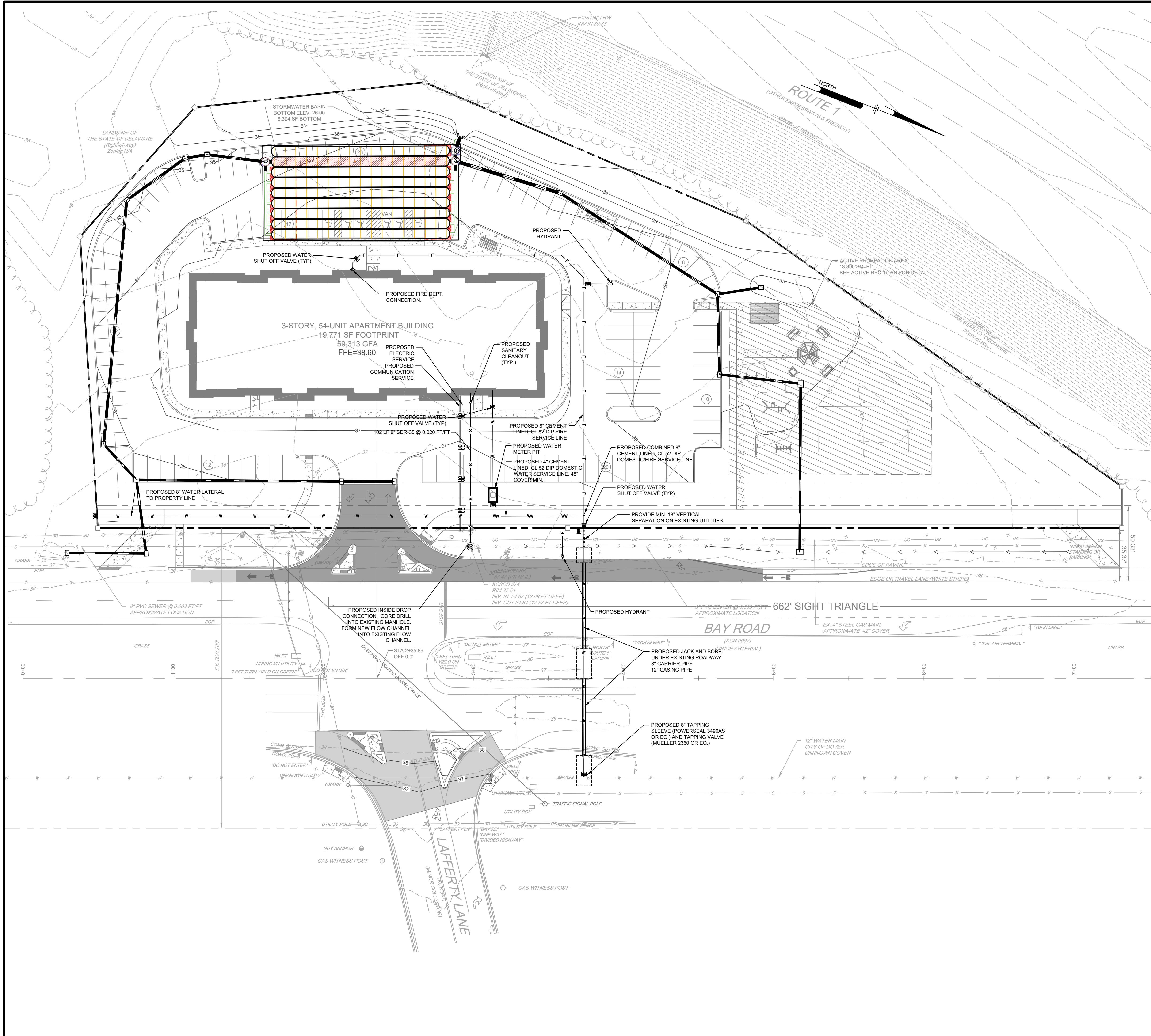
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PROJECT	PLAWX21003
DATE	2021-07-14
DRAWING SCALE	N.T.S.
DRAWN BY	SRA
APPROVED BY	GBR

CS1501

SHEET 5 OF 14

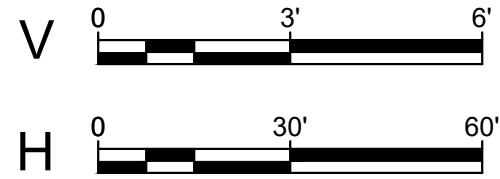
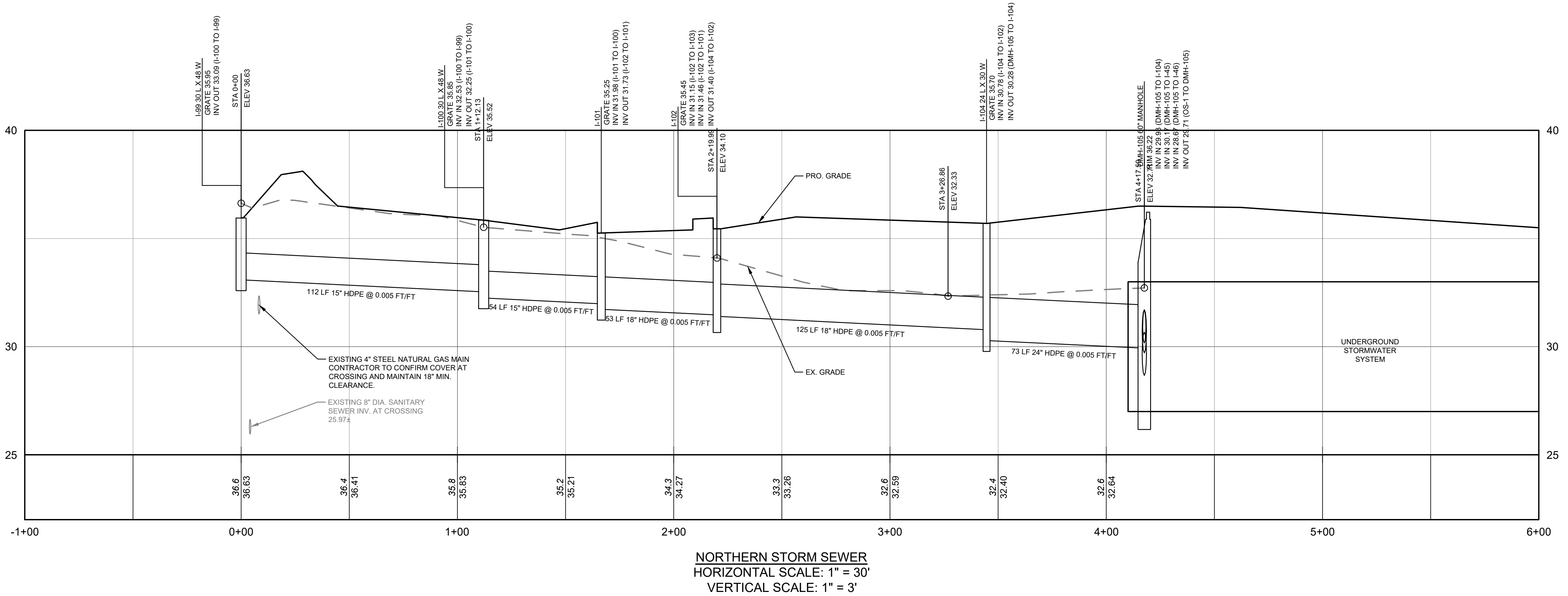
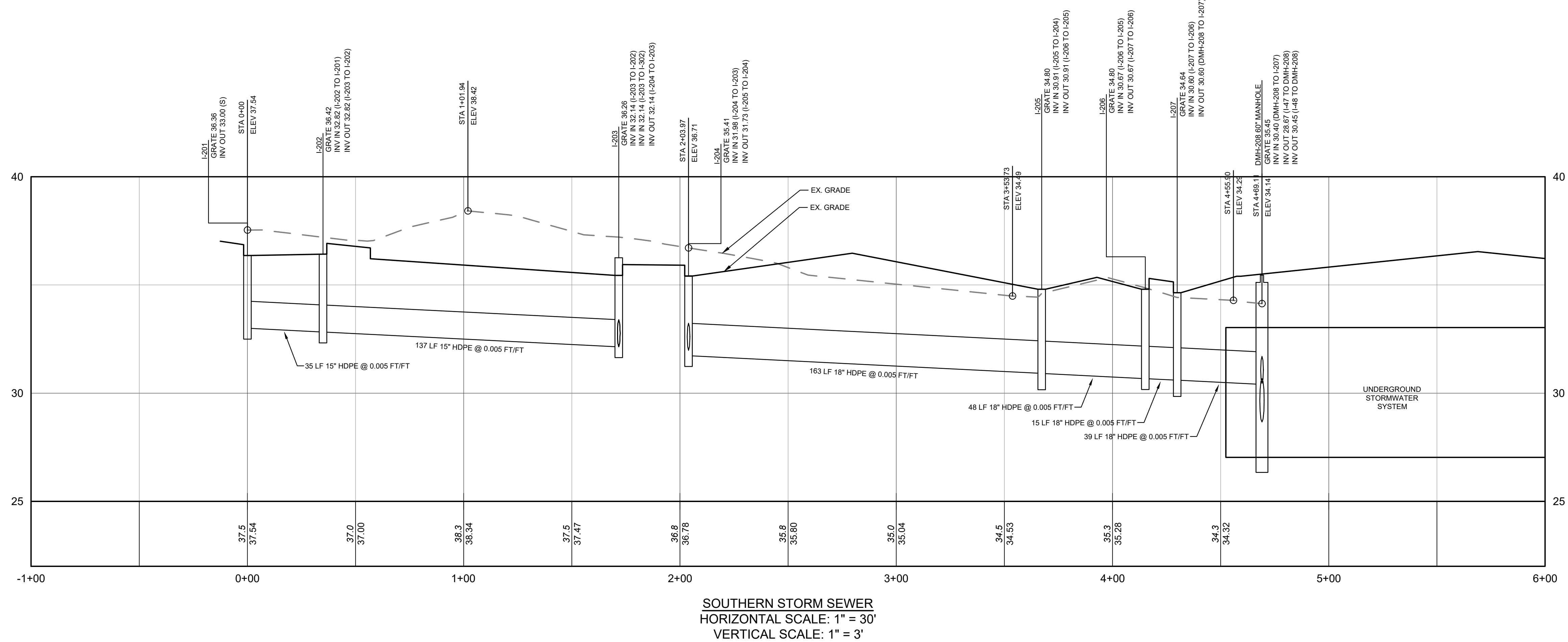


CITY OF DOVER UTILITY NOTES (WATER SERVICE):

KENT COUNTY UTILITY NOTES (SANITARY SEWER):

GENERAL UTILITY NOTES:

MAINTENANCE OF TRAFFIC NOTES:



DATE	NO.	REVISIONS	BY
03/14/23	4	FINAL PLANS	ALS
02/17/22	3	REVISED PER COD PW	BRD
02/11/22	2	REVISED PER KC PW	BRD
9/24/21	1	PER DAC COMMENTS/CHECK PRINT SUBMISSION	GBR

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PROJECT	PLAWX21003
DATE	2021-07-14
DRAWING SCALE	AS NOTED
DRAWN BY	BRD
APPROVED BY	GBR

CS4001

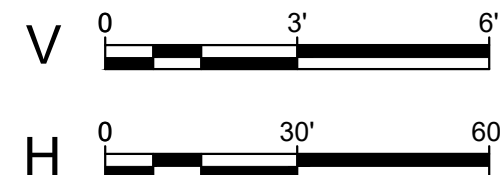
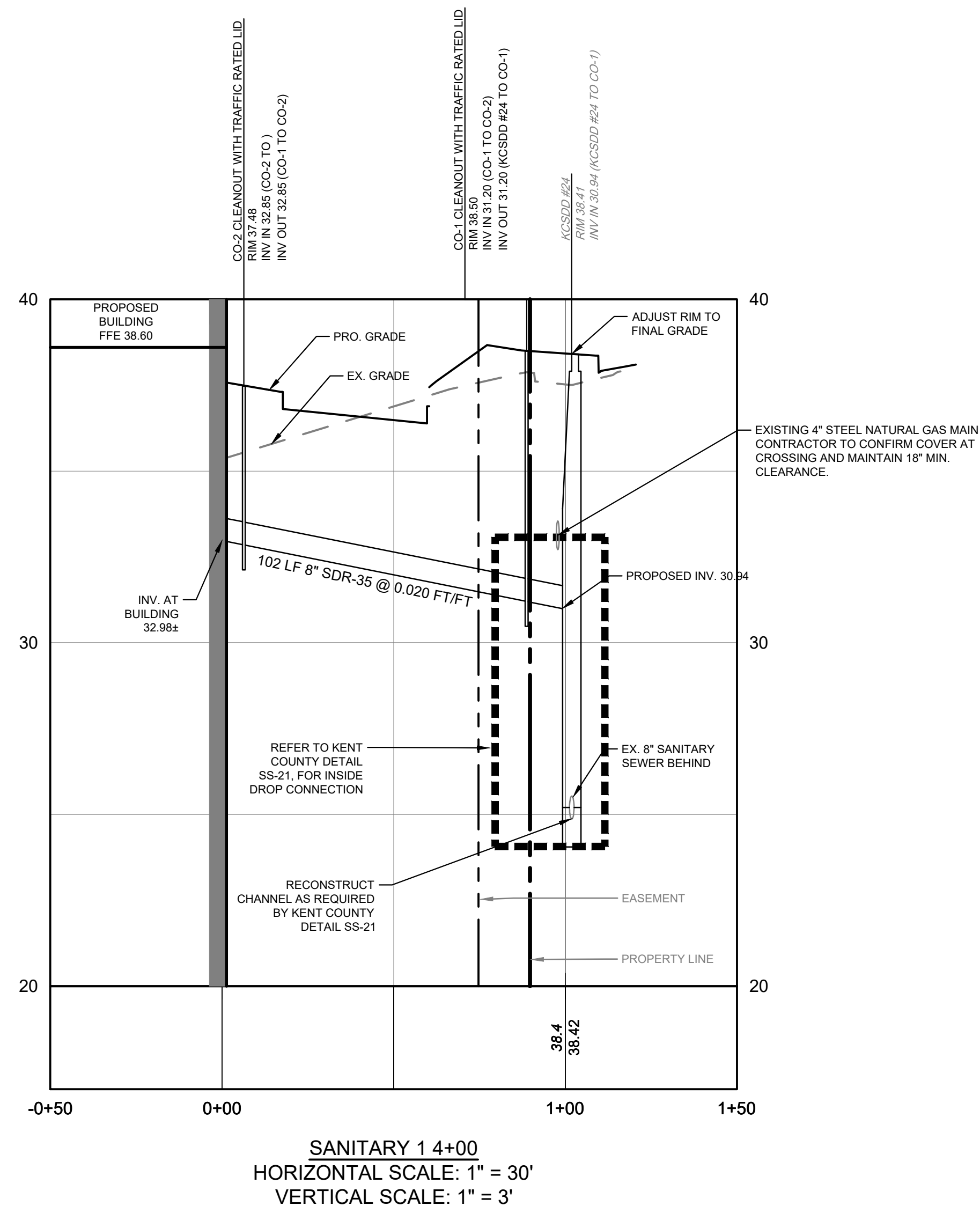
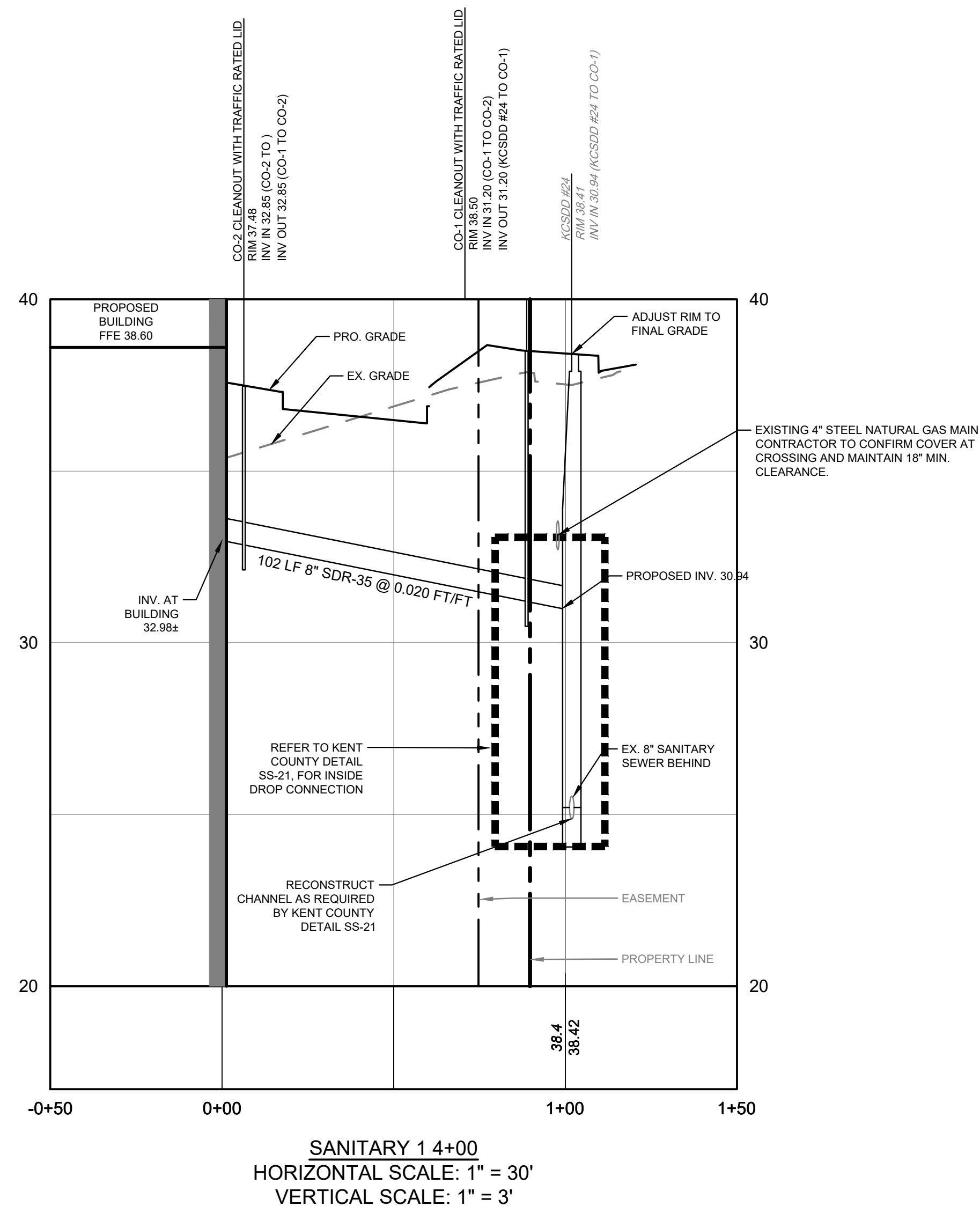
SHEET 9 OF 14

BAY POINTE APARTMENTS
BAY ROAD
CITY OF DOVER, DELEWARE 19801

UTILITY PROFILES

PATEL HOSPITALITY PROPERTIES
3171 DUPONT PARKWAY
TOWNSEND, DELAWARE 19734

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK



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BAY POINTE APARTMENTS
BAY ROAD
CITY OF DOVER, DELEWARE 19901
UTILITY PROFILES

PATEL HOSPITALITY PROPERTIES
3171 DUPONT PARKWAY
TOWNSEND, DELAWARE 19734

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PROJECT PLAWX21003

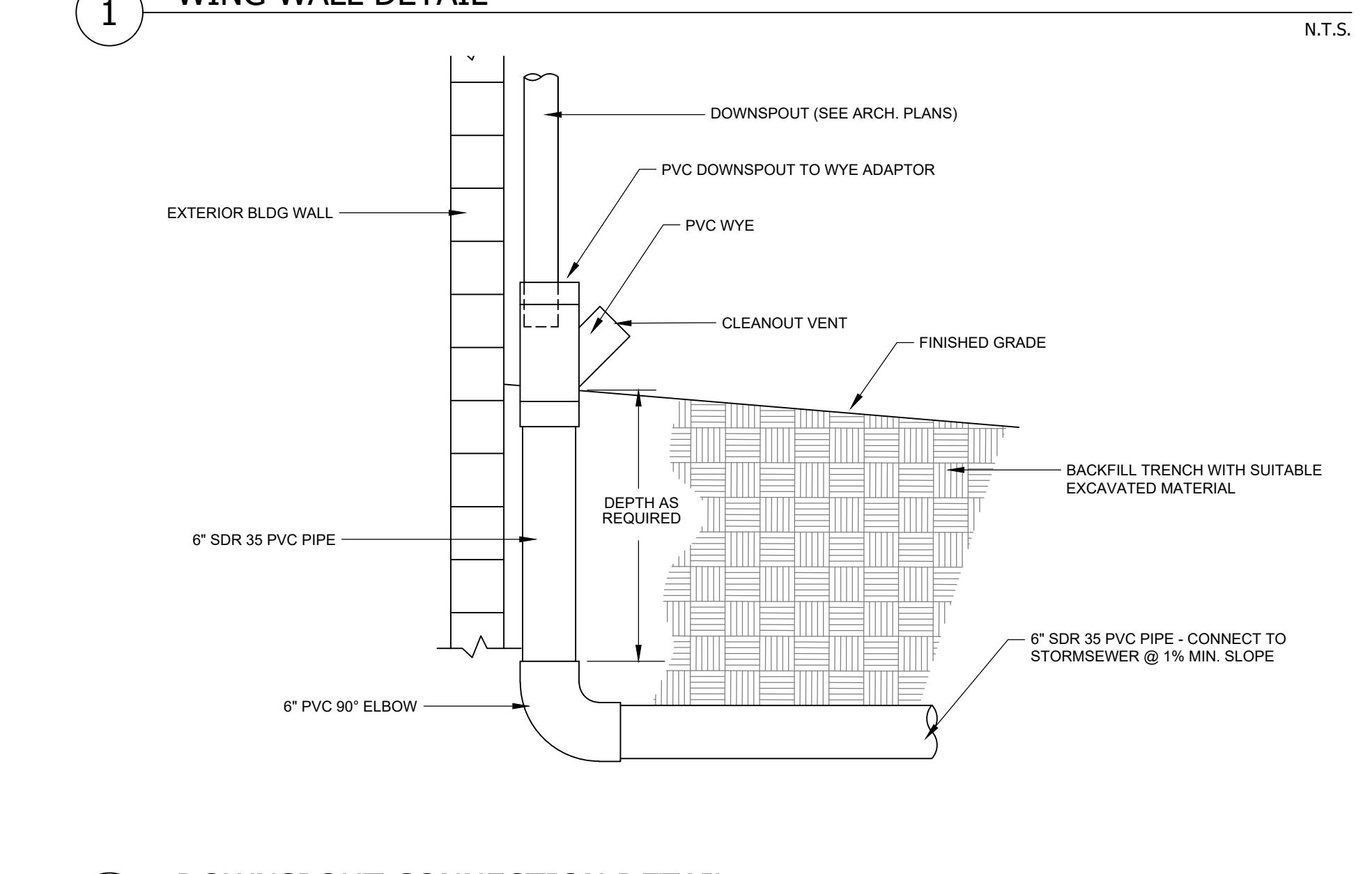
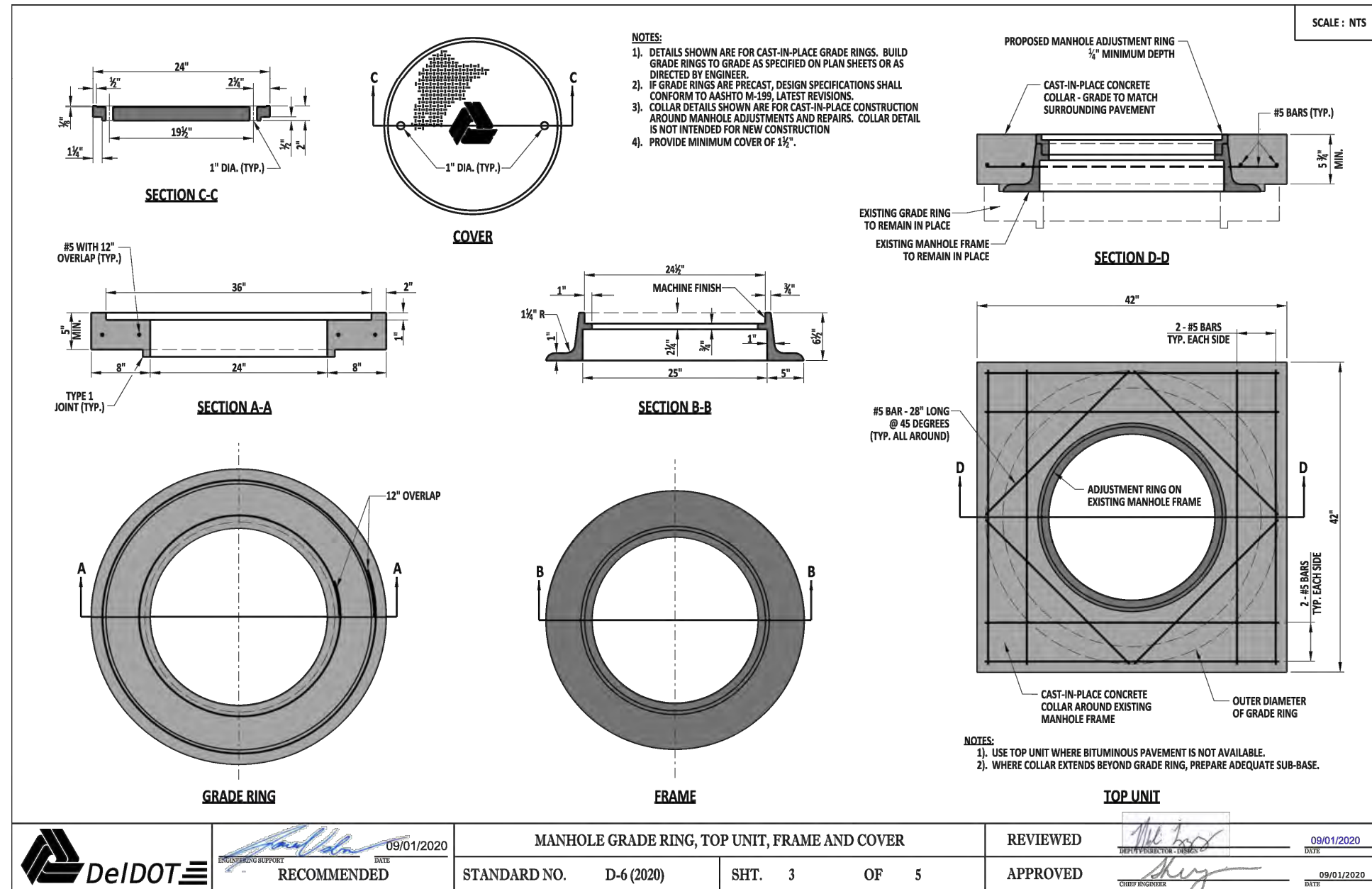
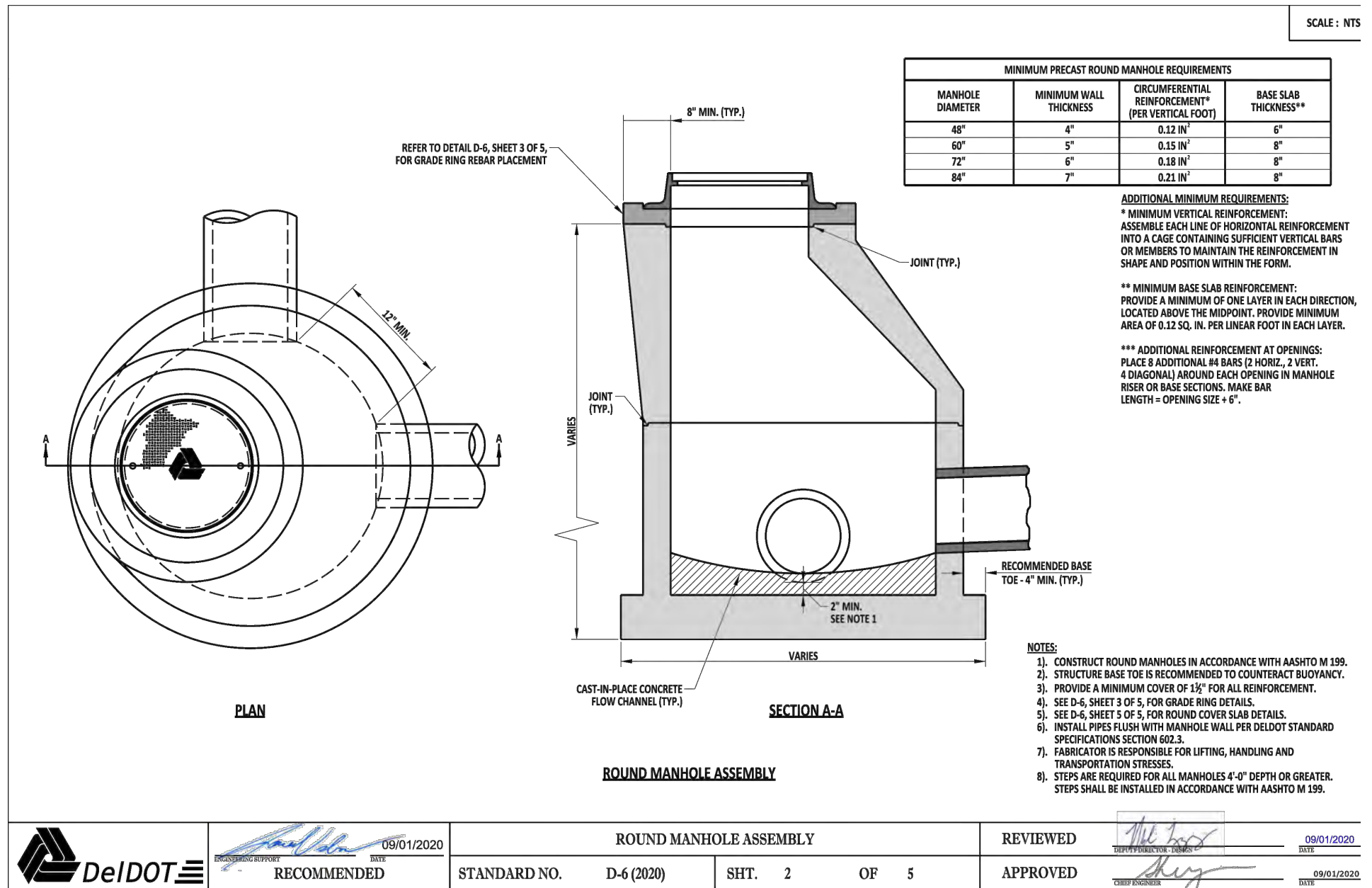
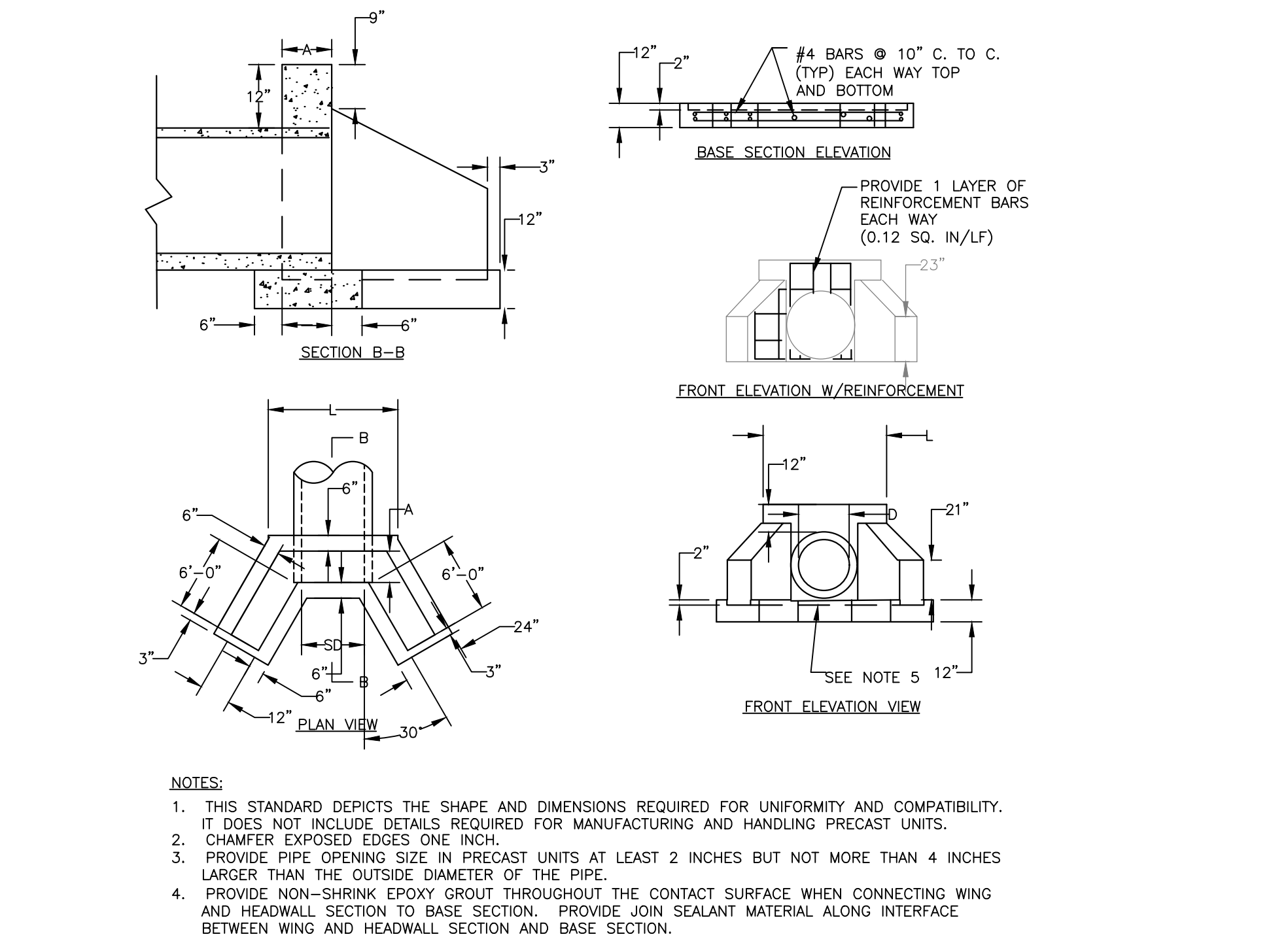
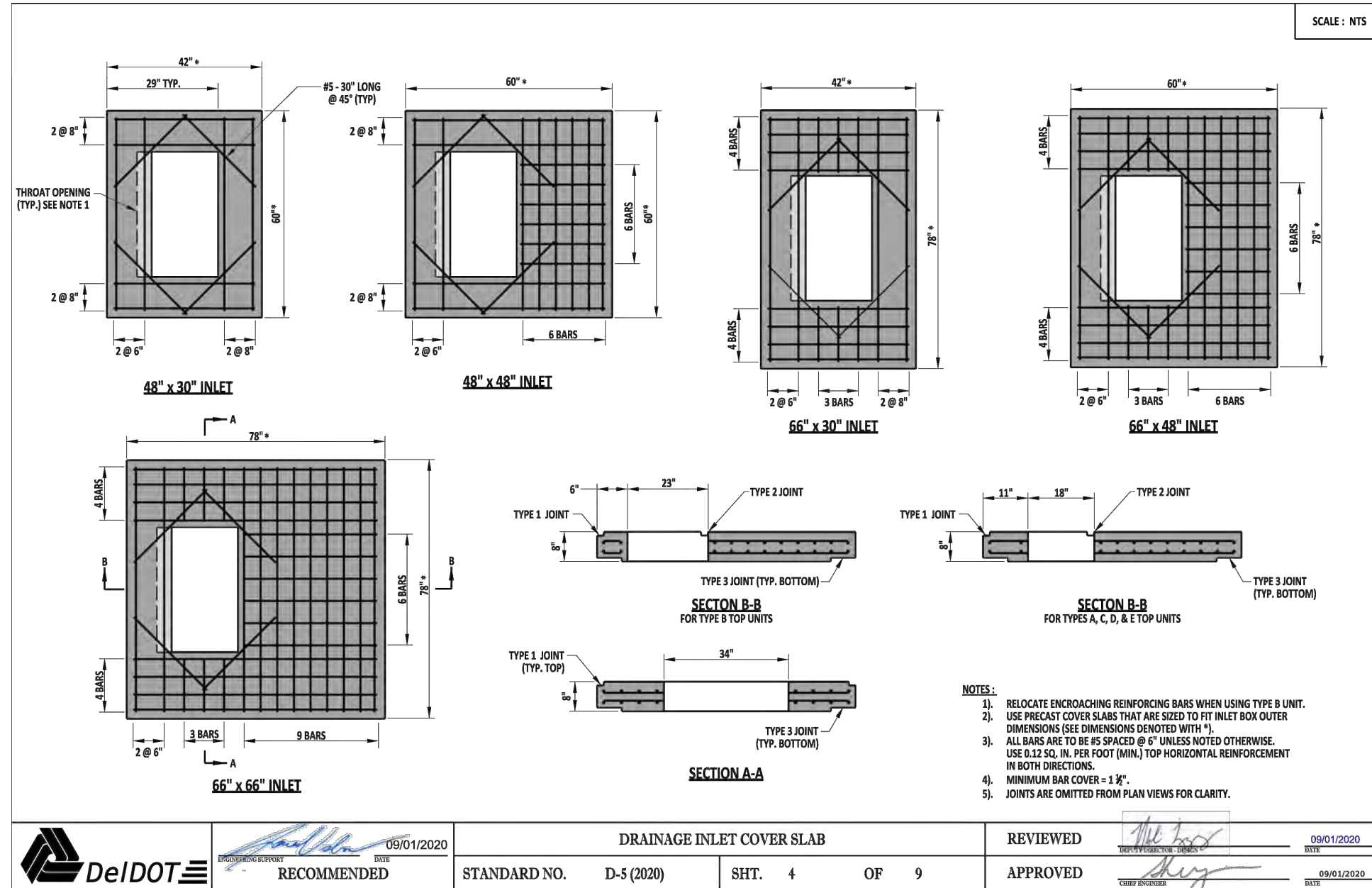
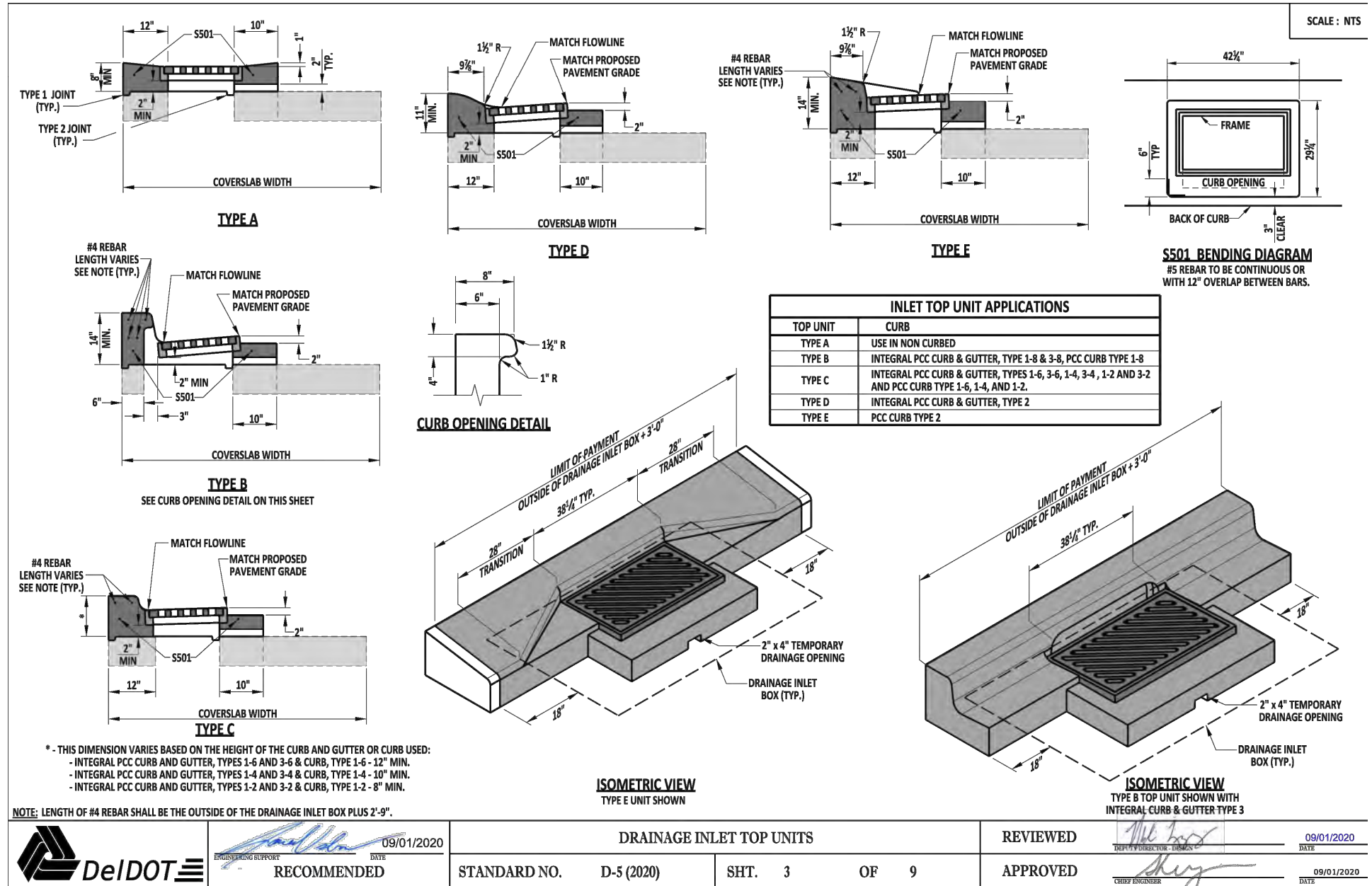
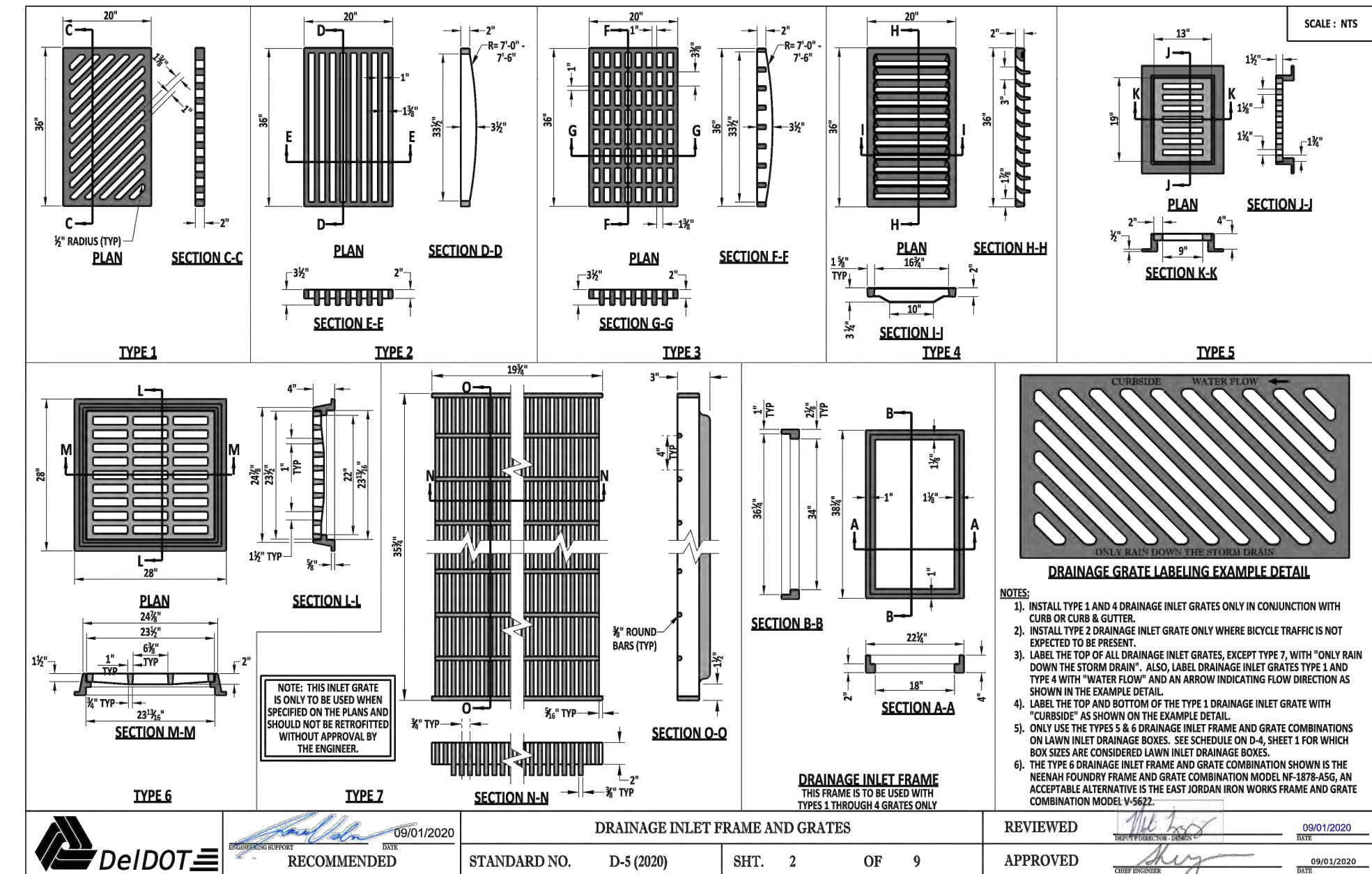
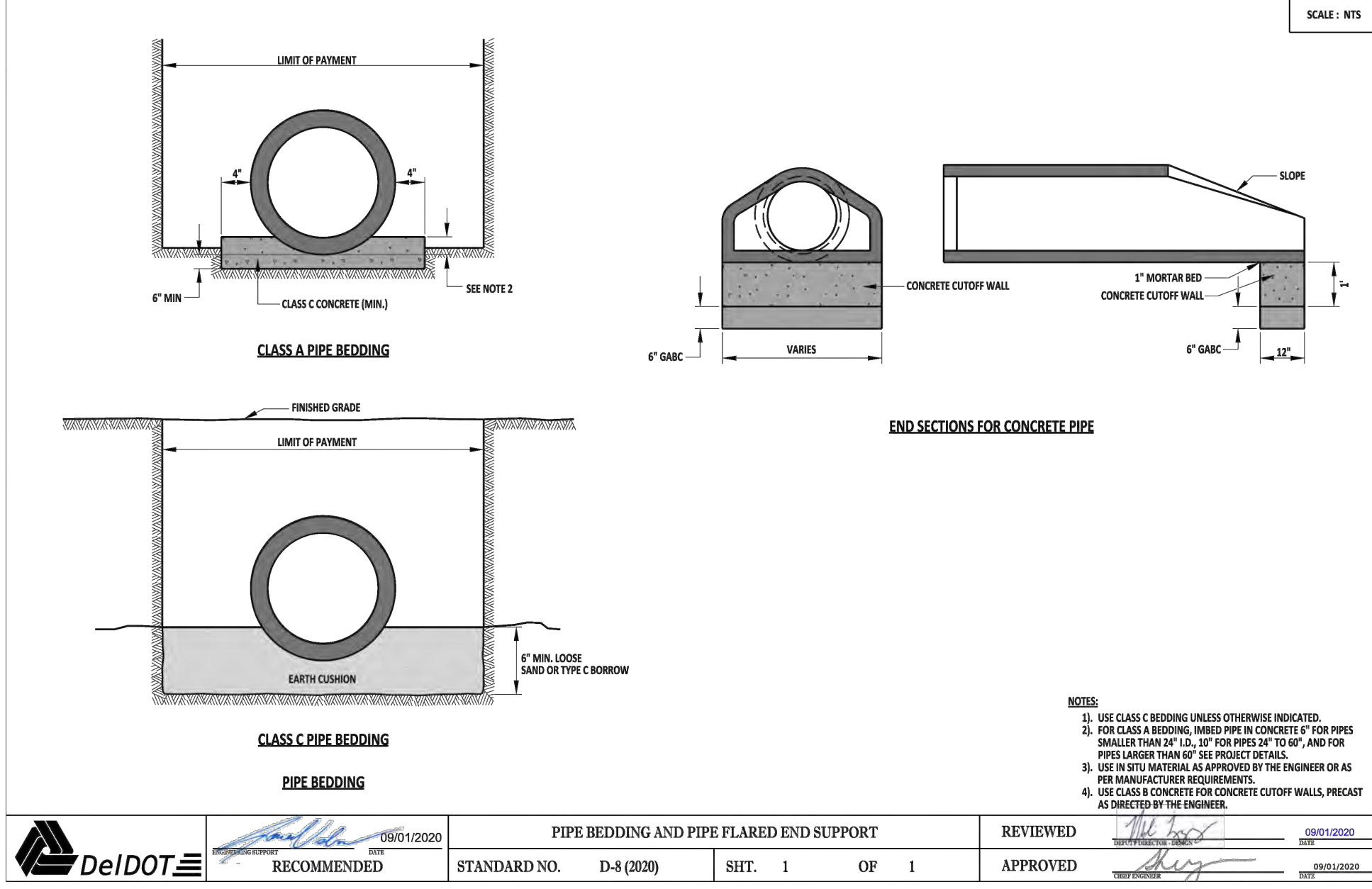
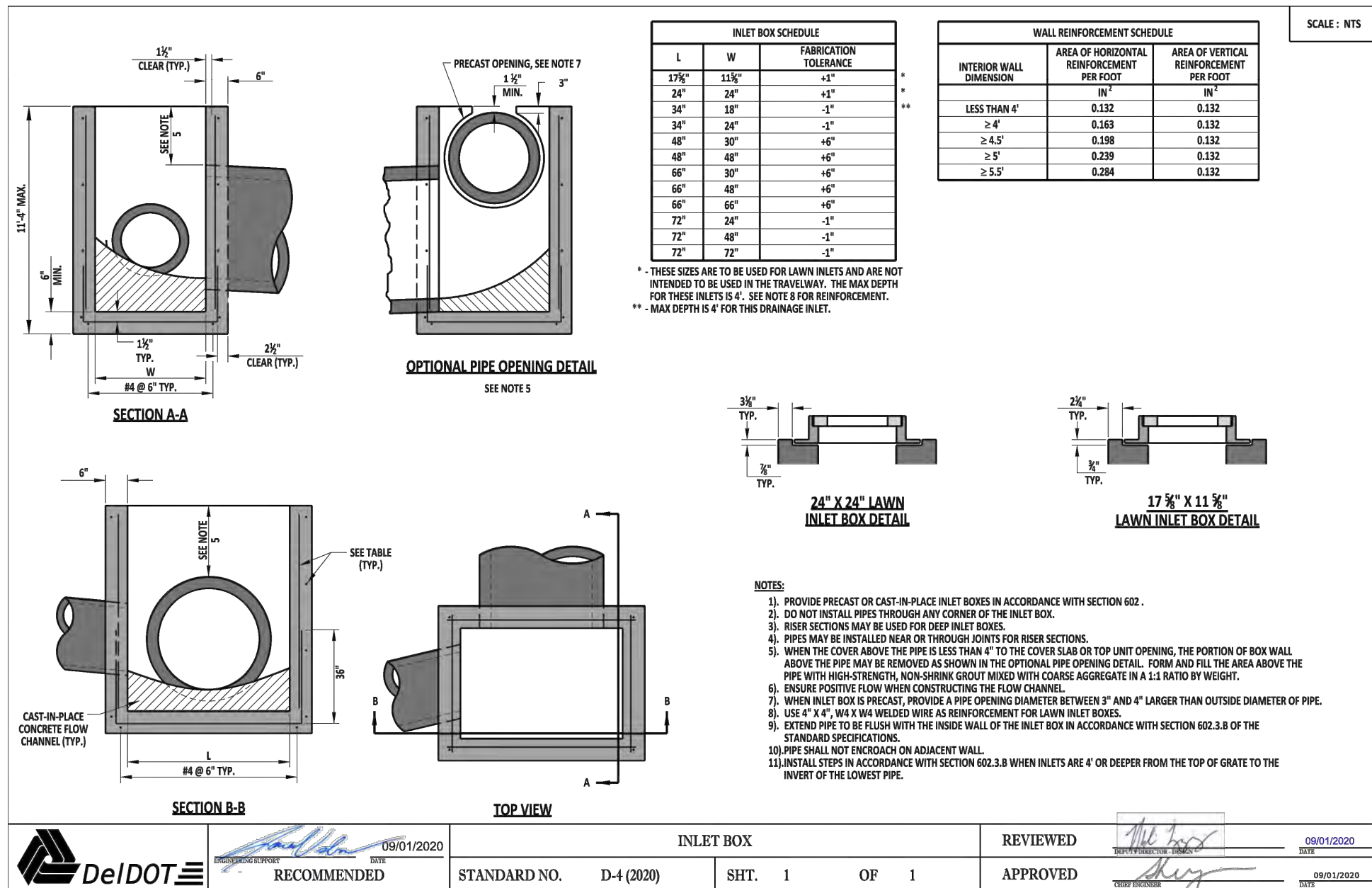
DATE	2021-07-14
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DRAWING SCALE AS NOTED

DRAWN BY BRD

APPROVED BY _____ GBR

CS4002



Pennoni

PENNONI ASSOCIATES INC.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

BAY POINTE APARTMENTS
BAY ROAD
CITY OF DOVER, DELEWARE 19901

STORM SEWER DETAILS

PATEL HOSPITALITY PROPERTIES
3171 DUPONT PARKWAY
TOWNSEND, DELAWARE 19734

NO.	DATE	REVISIONS	BY
1	03/14/23	FINAL PLANS	ALS
2	02/17/22	REVISED PER COD PW	BRD
3	02/11/22	REVISED PER KVC PW	BRD
4	9/04/21	PER DAC COMMENTS/CHECK PRINT SUBMISSION	GBR

PROJECT: PLAWX21003

DATE: 2021-07-14

DRAWING SCALE: AS NOTED

DRAWN BY: BRD

APPROVED BY: GBR

CS6004

SHEET 14 OF 14



FRONT ELEVATION

Bay Pointe Apartments
Dover, DE
Concept Rendering