

**CITY OF DOVER, DELAWARE
PLANNING COMMISSION
Monday, July 20, 2026 at 7:00 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@doverde.gov.

IN-PERSON and VIRTUAL MEETING NOTICE

The Planning Commission Meeting for July 20, 2026 will be held as an In-Person Meeting at City Hall in City Council Chambers at 7:00 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 in person or virtually with the participation information below to join by phone or computer.

PUBLIC PARTICIPATION INFORMATION

City of Dover Planning Commission Meeting of Monday, July 20, 2026

Join By Phone: Dial +1-650-479-3208
Access Code: 253 548 14683
Password from Phones: 3683772

Join Online: <https://bit.ly/PCMeeting07202026>
Webinar Number: 2535 481 4683
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 June 15, 2026

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date is August 17, 2026 at 7:00 P.M.

Update on City Council Actions

Department of Planning & Inspections Updates

SPECIAL RECOGNITION

- [2.](#) Resolution for the Service of Mr. William L. Witham Jr. on the Planning Commission.

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Requests for Extension of Planning Commission Approval

NEW APPLICATIONS

- [3.](#) AX-26-03 Lands of Johnson at 102 Fox Hall Drive - Public Hearing and Review of an Annexation Request and Rezoning Request for a parcel of land totaling 1.6390 acres +/- located at 102 Fox Hall Drive. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed Zoning is R-20 (One Family Residence Zone). The property is located on the south side of Fox Hall Drive to the west of but not adjacent to Kenton 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 Low Density. The property owners are Frances and Bruce Johnson. Property Address: 102 Fox Hall Drive. Tax Parcel: ED-00-076.05 -01-06.00-000. Proposed Council District 1. Ordinance #2026-13. *The First Reading of this Annexation Request was completed on June 8, 2026. Public Hearing before the Planning Commission is scheduled for July 20, 2026 and City Council on August 10, 2026.*
- [4.](#) MI-26-08 Request for Street Abandonment: Liberty Street – Public Hearing and Review for Recommendation to City Council of a request for abandonment of a portion of the improved street known as Liberty Street (Road C) located between Martin Luther Kings Jr. Boulevard North and Martin Luther King Jr. Boulevard South. Liberty Street consists of a right-of-way width of sixty (60) feet, a length of approximately 319.45 feet, and 19,186 SF (0.4405 acres +/-) in area. The street to be abandoned is adjacent to the parcel at 411 Legislative Avenue, Dover DE as the location of Legislative Hall owned by the State of Delaware. *This Request is associated with Site Plan Application S-24-19 Legislative Hall Building Addition.*

NEW BUSINESS

- [5.](#) Annual Meeting of the Planning Commission (Nomination and Election of Officers and Appointments to Subcommittees)

PUBLIC COMMENTS OPPORTUNITY – An opportunity is given for members of the public to provide comments to the Planning Commission not specifically related to Applicants with Public Hearings.

ADJOURN

Posted Agenda: July 10, 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
June 15, 2026

The Meeting of the City of Dover Planning Commission was held on Monday, June 15, 2026, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chairman Mr. Witham presiding. Members present were Mr. Lewis, Mr. Roach (virtual), Mrs. Denney, Mrs. Maucher (virtual), Dr. Jones, Mrs. Welsh, Mr. Reaves (virtual) and Mr. Witham. Mr. Baldwin was absent.

Staff members present were Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mrs. Sierra Brown, Mr. Alex Dewey (observing from the audience) and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

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

APPROVAL OF MEETING MINUTES OF MAY 18, 2026

Mr. Lewis stated that he had one quick edit to the Meeting Minutes of May 18, 2026. On Page 24 in the first paragraph, the sentence states “Mr. Lewis state that vacant doesn’t necessarily mean if failed.”, but it should state “Mr. Lewis stated that vacant doesn’t necessarily mean available.”

Mrs. Denney moved to approve the Planning Commission Meeting Minutes from May 18, 2026 including the edit from Mr. Lewis, seconded by Mrs. Denney and the motion was carried 8-0 by voice vote with Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, July 20, 2026 at 7PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on May 19 & 20, 2026 and June 8 & 9, 2026.

Mrs. Melson-Williams stated that as noted earlier, we have filled one of our planning positions; our Planner I position. Mr. Alex Dewey has joined us. He is a recent graduate from the University of Delaware with his Masters and is certainly excited about learning more about how the Commission does things. You will hear from him in the future as he gets projects assigned to him.

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-26-11 Delaware State University Football Stadium Plaza at 1200 N DuPont Hwy – Public Hearing and Review of a Site Development Plan for a new 53,370 SF +/- Building with Stadium Plaza Complex and the associated site improvements. The project site will redevelop the south side (home stands) area at the football stadium located on the Delaware State University main campus. The property is zoned IO (Institutional and Office Zone) and also subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 Excellent Recharge Area. Property Address: 1200 N. DuPont Highway. Tax Parcel: ED-05-057.00-01-21.00-000. Council District 4.

Representatives: Ms. Dana Dunphy, Wallace Montgomery; Mr. Khalid Zerrad, Delaware State University

Mrs. Melson-Williams stated that this is the Delaware State University Football Stadium Plaza project. It is a Site Plan Application and it is located on the main campus of Delaware State University. The property has a zoning of IO (Institutional and Office Zone) and is also subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 Excellent Recharge Area. The slide on the screen shows us that we are dealing with the area that is on the south side of the main Alumni Stadium area. The building that is proposed will provide a number of uses related to the stadium, from locker rooms to reception areas and other meeting space. It creates an entry plaza. It does while displacing a number of parking spaces, also actually create a series of parking for handicap accessible parking directly adjacent to the building. In all, this is a four story building that is proposed in multiple pieces and she will let the applicant describe that more fully. The IO (Institutional and Office Zone) allows for colleges and universities and this is clearly associated with that function. The property is subject to the SWPOZ (Source Water Protection Overlay Zone). Pretty much all of the campus falls within the Tier 3 which is the Excellent Recharge Area. As part of that, there are limitations on the amount of impervious surface coverage for projects. Redevelopment actually calls for a reduction in impervious surface to get it into the levels prescribed by the SWPOZ (Source Water Protection Overlay Zone). With this initial plan submission, we've been working with the applicant to address those requirements. We have been crunching some numbers and she is sure they have done a little bit more of that to try to reach those impervious surface limitations and reduction thresholds. We will continue to evaluate that throughout the process. If ultimately they cannot comply with those Source Water Protection Overlay requirements, they may have to seek a variance from the Board of Adjustment. They are working through their stormwater management review process with DNREC and hope to have a resolution to that. Related to parking for this project, the Delaware State University Campus has an overall centralized parking plan. With the removal of parking spaces, it will take some of the surplus from that designated parking space area, but in general, it is deemed as compliant for those provisions. The project also has requirements for bicycle parking. There are sidewalks along the Route 13 frontage of the overall property and then also as part of the campus circulation plan here. The project includes dumpster requirements. Then from a landscaping perspective, there are a couple of things. There is an Arterial Street Buffer of 30 feet. The next slide shows where it is directly adjacent to Route 13; that is where an Arterial Street Buffer of 30 feet which is meant to be a landscaped area. They are retaining that and where part of their pavement was encroaching in that area, their plan is being revised. From a tree planting perspective, they are required to have trees based on a development area that's been identified.

This would have them planting a total of the 58 trees that would be required. Their proposal is hoping to plant 84 trees, 39 of which are within the site development area and the additional 45 are in the immediate vicinity, but in other general areas of the campus near the stadium. The project also submitted a series of renderings and exterior elevations of the project, a couple of astrometrics and then some elevation drawings. The Planning Office reviewed the plans and has noted a number of comments in the Report. The two key ones that I really want to highlight is there was some question about building height from their architecture. Their zero started at 100. So, the overall height is not a 166 feet. It is more like 66 feet when 100 is zero. As noted previously, we continue to work with them for compliance on the Source Water Protection Overlay Zone. We did identify several recommendations. One, to ensure that bicycle parking is provided near any student designated entry to the stadium area here that we're talking about. The Planning Staff recommends the acceptance of the tree planting scenario that places a certain amount of the trees within the site development area that's designated, but then also to recognize those that are planted near immediate areas of the campus. The DAC Report continues with the comments from the other regulatory agencies including the Department of Water/Wastewater and Public Works for the City: the City's Electric Department, which notes about electric service planning; and The Office of the Fire Marshal, which they continue to work with on the fire protection site related measures. From DelDOT, they do have a letter in hand already; a Letter of No Contention regarding that. They will be working with DNREC regarding their stormwater management plan. The MPO also provided some basic comments as well, focused on pedestrian and bicycling in this general area. So tonight Planning Commissioners, you are looking at a Site Development Plan and there are no waivers to be considered. I will just note that we continue to work with the applicant regarding compliance on the Source Water Protection Overlay Zone and impervious surface coverage.

Ms. Dunphy that this project consists of two phases. Basically, the first phase would be the demolition of the existing structures, parking, sidewalks, and the grandstand. That all will be done under a separate contract, but there will be utility relocations as well. For the phase two, what we're representing this evening would be the construction of the 53,370 SF multi-story complex. As Mrs. Melson-Williams mentioned, there are different structures to this. So if you are looking at this as Plan North, on Plan East there is a larger structure. That's going to be basically the locker rooms, office spaces, and training. Then Plan West would be reception. It's a two story structure as well as the east side is a two story structure. If you see the dashed line area, that portion of the structure is three and four stories where the fourth story would be for VIP and press as well. We are proposing new sidewalks, and as Mrs. Melson-Williams mentioned as well, the handicap parking in front the building. We are working with the landscape architect who's designing the paved areas in the site to look at pervious pavement so that we are able to meet the Source Water Protection Overlay area. As Mrs. Melson-Williams mentioned, we are still working with the Fire Marshal and the fire lane situation. We did receive today the specifications for their ladder truck that we're going to use to run a turning template to ensure that our fire lane will work and the perimeter access as well. We do have a loading area on Plan East as the larger paved section along Route 13 and we are providing accessible parking spaces with pedestrian access and dedicated dumpster as well as bike parking. These are just two renderings of what the new building will look like when you are standing in the front of the entrance and then if you're on the visitor side, what you'll see when you're looking towards the new stadium/grandstand area.

Mr. Witham stated that he would note that there's no renovation on the visitors side. So the visitors have to eat dust apparently. Responding to Mr. Witham, Mr. Zerrad stated that the visitors already have a better seating area.

Mr. Lewis stated that was correct; it was renovated ten or fifteen years ago.

Mr. Witham stated that he takes it that there is going to be a partial demolition of the current facilities onsite and then there will be an installation of the new visitor's center and its associated work around the site. Responding to Mr. Witham, Mr. Zerrad stated that is correct.

Mr. Witham asked if there was going to be complete access to the area by sidewalks for the students and visitors. Responding to Mr. Witham, Mr. Zerrad stated that is correct.

Mr. Witham asked if there was any change in your lighting system at the site because he didn't hear any comments about lighting. Responding to Mr. Witham, Mrs. Melson-Williams stated that any parking areas by Code have to obtain a certain level of foot candles, and then I would imagine that the stadium itself has lighting and our Code has other provisions that should limit any kind of light pollution issues beyond their property.

Ms. Dunphy stated yes, there is lighting design that's taking place now and will be provided to the City once it's complete.

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

Mrs. Welsh moved to approve S-26-11 Delaware State University Football Stadium Plaza at 1200 N DuPont Hwy, seconded by Mrs. Denney.

Mr. Witham asked if the motion included being subject to compliance with the SWPOZ (Source Water Protection Overlay Zone). Responding to Mr. Witham, Mrs. Welsh stated yes and subject to the DAC comments.

Mrs. Welsh moved to approve S-26-11 Delaware State University Football Stadium Plaza at 1200 N DuPont Hwy to include being subject to compliance with the SWPOZ (Source Water Protection Overlay Zone) and subject to the DAC comments, seconded by Mrs. Denney and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mrs. Welsh voting yes, it's a good project and the building is very attractive so she is looking forward to seeing that out there. It will be a different view driving down the road. Mr. Lewis voting yes; it is fair to say that college football is one of the most rapidly changing industries in the Country right now and Delaware State University improved by leaps and bounds in their record last year. The old saying is, you have to strike while the iron is hot and this has been badly needed out there for at least a couple of decades now. Mr. Roach voting yes; he has been a fan of Delaware State University his whole life so just to see that they are doing some things to improve is amazing to him. Mrs. Denney voting yes; she thinks it's exciting, she thinks it's about time, and there is nothing like a chilly, cool, breezy football day at Delaware State University. Mrs. Maucher voting yes; based on DAC comments and as a life-long resident of Dover, Delaware, she thinks it's a good project and it will be nice to see it finally come to fruition. Dr. Jones voting yes; for

reasons previously stated. Mr. Reaves voting yes; for reasons previously stated. Mr. Witham voting yes; it's an excellent project and well presented. The plans look very well prepared; it's an improvement to the university and he hopes it helps encourage their success in the future.

SB-26-02 Bay Village Residential Planned Neighborhood Design: Subdivision Plan - Public Hearing and Review of Preliminary Subdivision Plan for Bay Village Residential Planned Neighborhood Design Application. The property is 79.14 acres of land east of State Route 1 on the south side of White Oak Road and located south of the Garrison Oak Business and Technology Center. The property is currently zoned RM-2 (Medium Density Residence Zone) and subject to the Source Water Protection Overlay Zone (SWPOZ): Tier 2 Primary Wellhead Protection Area. The Preliminary Subdivision application is for 250 townhouse lots and a lot for a future apartment complex development area with associated infrastructure and improvements. The property owner is Bay Village of Dover LLC. Address: South side of White Oak Road. Tax Parcel: LC05-068.00-01-06.00-000. Council District 3. PLUS Review #2024-02-03. *Waiver Request: Elimination of Rear Alley for Lots 1-20. Associated Applications: MI-26-03 Bay Village Residential Concept Sketch Plan was presented to City Council in February 2026 with referral to the Planning Commission. C-26-02 Conditional Use/Master Plan for PND was conditionally approved by the Planning Commission on April 20, 2026; this included approval of the Active Recreation Plan and Alternative Design Standards for PND for Lot Width and Lot Area.*

Representative: Mr. James Taylor, Verdantas

Mrs. Melson-Williams stated that this is Bay Village Planned Neighborhood Design (PND). It was most recently here at the Planning Commission in April for what was review of a Conceptual Plan for the Planned Neighborhood Design; it's a Conditional Use step of that review process. Tonight, we are focusing on the Subdivision Plan for the development. The property, as shown on screen, is located on the south side of White Oak Road. White Oak Road is at the top of the image. The property is zoned RM -2 (Medium Density Residence Zone) which allows for the Planned Neighborhood Design. This property is also within the SWPOZ (Source Water Protection Overlay Zone) but this time specifically Tier 2 which is a Primary Wellhead Protection Area. A couple other locational kind of things on this map: on the left which is the western portion of the property, that boundary is the Little River White Oak Road Tax Ditch system. There are some adjacent wetland areas to that and on the right hand side of the page in the corner is a wooded tract of the property that will continue to stay as woodland. The property is also subject to the Special Flood Hazard Area. There are areas along what is the left hand side of this image and also from the bottom, the southern part. They have identified the Special Flood Hazard Area on their map as it is currently platted on the FEMA FIRM Panels; however, they will be pursuing a Letter of Map Change as they have better information and more specifically what is called a Conditional Letter of Map Revision or CLOMR, because they wish to make adjustments to some of that where the flood plain is located on this project site. There may need to be some fill in those areas, but there is a process with FEMA that they will be working through. To one, provide better information about actual elevation data for the site and then how that may further be changed by their development proposal. So, if we go to the next page, this again is an overall of the Planned Neighborhood Design. The kind of grid like area that you see in the upper left is what we are concentrating on this evening, which is the portion they intend to develop as a series of 250 townhouse lots. There is a separate lot to be developed in the future

that is at the bottom or the southern part of their property that is intended for a future scenario for construction of apartments. If we move forward one page here, this is a little bit more of a close up of the townhouse area. With their last review with the Conditional Use, there were Alternative Design Standards that were approved specifically related to lot area and lot width to allow townhouse lots that are 20 feet in width and then with a smaller lot area size at 1600 SF. These townhouse units do have an alley behind them as part as the overall street network with the exception of Lots 1 through 20 and we will talk about those a little bit more in particular. The next slide, specifically, you want to focus on the series of lots, Lots 1 through 20. They have made some revisions to the format of these lots in particular. These lots, as you can see, do not have an alley behind them. They have a Waiver Request for the Elimination of the Rear Alley for these particular lots, Lots 1 through 20. They created this kind of graphic to show a little bit more information about these lots in particular. They are front loaded, meaning there is a parking pad in the front of each unit. There are some connecting sidewalks that would lead you towards the rear of these units specifically. What they are showing in detail here is how they intend to comply with our Rear Emergency Access provisions. Specifically, for town houses that either has to be achieved with either an alley of 16 feet or a scenario of an “open rear yard”. They are choosing to pursue the “open rear yard” format for this Rear Emergency Access. That basically means that for townhouse groupings of three to five units, they have to meet the definition of a fire protected townhouse as it is defined in our *Zoning Ordinance*, which is the fire barrier between units at the party wall and then at least an alternating pattern of non-combustible exterior siding. They are noting they will be using non-combustible siding on all of the units. The second component for this Rear Emergency Access is the provision for an “open rear yard” and that is an area of at least 16 feet in width. That is shown as a hatched area at the rear of these buildings. It is on the property. In this open rear yard, there can be no placement of structures or fencing or landscaping in that 16 foot area. They are proposing to develop that as a subgrade emergency access provision. Additionally, with that open rear yard scenario, any remaining areas of the yard cannot have fences that exceed 4 feet in height. They are limited to no more than one shed and there's a sizing limitation on that shed as well. So, it's meant to continue to be truly an “open rear yard” with the ability to reach the rear of the building. So, they are complying with the Rear Emergency Access provisions of the *Zoning Ordinance*, they are just asking related to these specific 20 units, for the Waiver Request of the Rear Alley requirement. That Rear Alley requirement is part of the *Subdivision Regulations* from the City, and as such, the Planning Commission will make your recommendation and then your recommendation will move forward to City Council, through one of their committees for our final consideration. The next slide, this basically is more focused on active recreation and landscaping. The active recreation for this project was previously approved with the Conditional Use step of the process. There is a central active recreation area that has amenities and an additional area that is for a dog park. There are sidewalk connections to areas. For tree planting, they are clearing some woodland, but it is under the limitations that our Code has. They are providing the 583 trees that are required. Some of those are to be planted in open space areas, others are as individual tree plantings on lots. The Planning Office provided a series of comments. The key things for you to consider tonight is the Subdivision Waiver related to the Elimination of the Alley for Lots 1 through 20. The Planning Office did outline a series of recommendations related to this PND. Planning Staff is not recommending approval of the Subdivision Waiver to eliminate that alley, as we feel that the elimination of an alley affects other provisions. Having an alley allows for better emergency access to the rear of those lots and it may limit some approaches related to utilities and trash and

recycling. They have provided a format for storage of those containers, but we do find that the container would have to be brought to the front of those units for pickup. There are other ways we think to encourage either a greater mix of housing units by making some revisions to those Lots 1 through 20. We've also noted that while they are compliant with that rear emergency access provision, the long term compliance for that is tricky because of what they need to maintain for the life of those units as the open yard. We did also note that our *Comprehensive Plan* talked about opportunities for public transit. Public transit is not currently in this area but that they should be thinking about that for the future regarding the number of units that are actually here. Our advisory comments also note that this property participated in its own TIS about the same time the City was doing one for the Garrison Oak Technology Center across the street. So there's some coordination that will need to happen between the City, this applicant, and DelDOT regarding the improvements to White Oak Road in this area. The other agencies providing comments as always include the Department of Water/Wastewater, the Public Works Office, the City's Office of the Fire Marshal, and the City's Electric Department regarding electric service. DelDOT will control the two entrance plans for the entrances off of White Oak Road for this project site. The Kent Conservation District will be reviewing stormwater management and then the MPO also had some advisory comments in looking at pedestrian, bicycling, and transit and other planning efforts in the area. So, tonight what you're looking at here for the Planning Commission is a Planned Neighborhood Design (PND) for Bay Village. It is the Subdivision Preliminary Plan. This is step three for the project and you have one specific waiver to consider that is the Subdivision Waiver for the Elimination of the Rear Alley, specifically for Lots 1 through 20.

Mr. Taylor stated that as Mrs. Melson-Williams mentioned, this application is almost identical to what was submitted and reviewed before this Commission back in April. We will work with all the DAC members to address those comments as we continue through the construction plan process. I wanted to talk mostly tonight about the Request for the Waiver for the Rear Alley requirement for Lots 1 to 20. In your packers is a detailed letter, so I won't read into all of that. But we are seeking a Request for that Waiver. This was discussed briefly during the meeting in April. We discussed this with the developer, went back through things a few times with the Planning Office and wanted to provide a solution while also requesting the waiver. What we are proposing here is for Lots 1 to 20. Hearing the request from the Planning Department was that the biggest complaint and also I guess it was Code Enforcement that mentioned one of the top issues with Code Enforcement is the trash cans not being placed back. In particular, there's issues with the lots where there is not a rear access because those sit in the front of the house. And so what we're going to do here is provide one access from the front of the house to the rear of the house to allow those trash containers to be stored appropriately. Two, they would be behind the rear of the house. The requirement per the Code is behind the front of the house. So, at the rear of each of those, there is a 4 foot tall screening where those trash and recycle bins would be able to be placed for Lots 1 to 20. Regarding some of the other items, there was talk about utilities. Utility access would be fairly similar. They would be coming through the front. If it was a wish to keep it in the green space, there was a green space between the parking and the home themselves for water meters or cleanouts for the sewer. One of the other pieces was the emergency access. As Mrs. Melson-Williams mentioned, we are meeting the Code requirement which is to provide access. We are providing that through a sixteen foot dedicated Rear Emergency Access. Actually in the Code, it does not require a section like we're proposing. We felt like this was an area where it may be better to have a stone section underneath the grass

which would allow for emergency vehicles to access the rear of those homes, similar to what an alley would be. But that would be an open rear yard that would allow emergency services to utilize that space. I believe that addresses all of the concerns from the Planning Commission related to the Waiver Request. One of the other things that was discussed was the potential for utilizing other types of housing here. This is really trying to be an affordable unit type. By changing unit types, it's going to take some of those out of that affordability aspect and so, I believe one of the comments was they can be switched to a duplex to then no longer require the alley or the emergency access in the rear. In this case, we are actually providing a safer condition by providing an additional access on the rear of the lots. Emergency services actually have both the front street that is shown there, as well as the open rear yard. They will be working with the Planning Office, Public Works, Electric, and all of the other DAC members to address their comments.

Mrs. Denney stated that she has a question for Mr. Taylor. At the previous meeting, she noted her field was medicine, and she just had concern for the emergency access in the rear of the building because unfortunately, if a fire starts in the building with or without firewalls and all the things we do to protect people, sometimes things get out of hand. And there's two stories and it's not always guaranteed that they're going to be able to access the front, they may have to go out the rear. In some cases you need to get ladder trucks back there with ladders up to the windows with firemen on those ladders getting people out. I guess if it's like a parkable turf and she knows there are varieties of those things that would ease my mind. Perhaps some type of written tenant restrictions that prevent the people who live in the rear from placing items; and she is not talking right against the building or patio area. But you know you have chairs, tables and umbrellas and a place for friends to come over and play a game or something. It is a real safety concern for me and I think, again, the parkable turf helps that. There will be sprinklers in the building, correct? Responding to Mrs. Denney, Mr. Taylor stated that as of right now, sprinklers are not required by Code; however, it's our understanding that there may be a change in that Code coming. The applicant has heard that and understands that as of right now, the buildings are not being sprinklered but they may be required by the time a Building Permit is pulled. For the second part, the open rear access defined in the Code does not require a reinforced turf. In this case, we actually are going to provide that for this by providing a sub-base underneath of the grass so that those vehicles will be able to drive on top of that. Regarding the restrictions for the homeowners, the homebuilder has stated that they were not going the permit fencing in this neighborhood because they really can't anyway. The comment about having chairs in the backyard, I would actually argue that having two vehicles parked between the alleyway and the rear home could actually be more of an obstruction than that equipment. So in this case, I actually believe that the emergency access for Lots 1 to 20 might actually be a better emergency access perspective than the alley provisions. I understand there's a benefit to the alleys and they have a dedicated space, but if it happens at night those cars are in the way between the alley and those homes.

Mr. Witham stated that he is unclear. Where on the plans do you show the resident's cars to be parked? In the front or the back? Responding to Mr. Witham, Mr. Taylor stated that on Lots 1 to 20, the vehicles are shown to be parked in front of the home. You can see the gray hatched area that is just off the roadway. It is Quiet Water Road, which is the road that runs along the page there. There's parking on the lot just to the north side of that where two cars would park in front of each home.

Mr. Witham stated that you would have to propose land restrictions in each deed to these properties to ensure that the occupant does not park the car in the back. Responding to Mr. Witham, Mr. Taylor stated that they wouldn't be able to access that. They would not be able to park in the rear of the home because there is no access. The only access is an open rear yard. So from the human eye, it's going to look like it's a grassed area, but the emergency services its known. I believe there was a discussion about having it signed for emergency access, so that the Fire Department or EMS or whoever it might be, would know that that is the emergency access.

Mr. Witham stated that an open area covered by grass is not a hindrance to someone who wants to park his car. Responding to Mr. Witham, Mr. Taylor stated it's that just like anywhere, you're correct. He believes that's a Code Enforcement issue versus a Planning issue.

Mr. Witham stated that it becomes a safety issue if a fire truck is trying to get access. Responding to Mr. Witham, Mr. Taylor stated that no one could park there any way. It's not a dedicated parking space. While anyone could put their car where they wanted it to be, realistically, he believes that would be a Code Enforcement issue related to a car being parked where it is not supposed to. Is that correct? Responding to Mr. Taylor, Mrs. Melson-Williams stated that there are other provisions in the *Zoning Ordinance* that limit parking to a paved, hard, dust free surface which is typically asphalt or concrete. It is Code Enforcement violation for parking on the grass in everyday general terms. There are some provisions for temporary parking related to large festivals events, but for individual residential lots you must be on that paved, hard, dust free surface. This open rear yard scenario that they are proposing with a subgrade surface would not be an eligible parking location.

Mr. Lewis asked if the shared use path became a little wider, could that be the alley. Responding to Mr. Lewis, Mr. Taylor stated that is couldn't be the alley because DelDOT regulates how close a street or access way can be from the intersection. In this case to use the shared use path as an alley, you would essentially be right on top of the entrance. It would be unsafe to allow that to happen because you would have conflicting motions occurring at the same time. The other part is a shared use path is not designed for vehicular traffic; it is designed for pedestrians and bicyclists to be able to move about and to transport from one spot to the other. We did have and he believes this was brought up previously. It was related to the emergency access since White Oak Road is right there as well, but you wouldn't be able to get access directly from White Oak Road to the separate lots.

Mr. Lewis stated that he guesses there is going to be a fence there too, right? Responding to Mr. Lewis, Mr. Taylor stated that there won't be a fence along that. There will be an upright curb between White Oak Road and the shared use path.

Mr. Witham opened a public hearing,

Mrs. Melson-Williams stated that they did receive one written correspondence that was included in the Commissioner's packets as Public Comment Set #1. It is an email from Cathy Wright received on May 27, 2026 regarding the rear emergency access. She notes that she's a homeowner in Dover and lives one and a half miles from the proposed Bay Village project. Her statement states "I would like to express my opposition to the waiver request for emergency rear access. Given the quality of residents not including guests, the potential for loss of life in a

situation where the primary entrance is blocked is too great to provide a waiver on the safety measure. The rear emergency access is not simply for convenience and is the life saving measure. It's a standard of neighborhood designs and should not be considered an afterthought or optional. It's also noted in the design that there is a floodplain in the neighborhood, so if there's a flood event, it's even more important to have emergency access to the area. Please stand up for the City Code and enforce the requirement of an emergency rear access, someone's life may depend on it." So that's the only written comment that she would note. As you heard earlier, they are not seeking a Waiver Request of the Rear Emergency Access. That was clarified through our review of the plan. Some initial correspondence thought that they may be seeking that Waiver. The only Waiver they are seeking is regarding for the Elimination of the Rear Alley.

Mr. Taylor stated that he was just going to comment with what Mrs. Melson-Williams mentioned. They are not seeking a Waiver. We would not want to jeopardize emergency response; safety is paramount. As an engineer, we want to be designing around safety. We're called to look at the health, safety, and welfare of their public as engineers. So, with the Rear Emergency Access we would not seek a Waiver for that. Regarding the floodplain, he thinks it was previously discussed; the floodplain is on the far west side of the site. The modeling shows that we are keeping all development out of that floodplain, including the rear alleys along the lots of that western side would be outside the floodplain.

Mr. Witham closed the public hearing.

Mr. Reaves stated that he has a question regarding the floodplain area. It appears that the western most part of the development is over the deepest point of the floodplain area. Can you explain that? Responding to Mr. Reaves, Mr. Taylor asked if he could explain what he is asking when he says the "deepest point".

Mr. Reaves stated that when you look at the elevation lines, the higher points are to the left and to the right of the development area, and also of the bottom. If you look at the map with the elevation lines on it, it seems that development is directly over the deepest point or the lowest point of elevation for this floodplain. Responding to Mr. Reaves, Mr. Taylor stated that as part of this process, we've gone through and done what's called a Conditional Letter of Map Revision. That has been prepared and submitted to the City of Dover and once that is completed it will be submitted to FEMA. He believes that they are just waiting on a community authorization signature on that application so that it can be submitted to FEMA. That is part of the FEMA process. What we did was we modeled that entire drainage area to determine where that floodplain line would be located. It is a defined elevation, but we have survey information from the field versus FEMA that is a little bit more accurate. FEMA does provide the option to provide more accurate data to be able to support the floodplain modeling. So, that has been prepared and has been submitted to the City. They mentioned that the 100-year floodplain would be fully outside of the individual parcels as well as the alleyway that abuts them.

Mr. Reaves stated that when he is looking at the map of the elevation, the complex goes directly over the lowest point. So if that's where all of the water would potentially drive to, he is not understanding how they are going to mitigate that. Responding to Mr. Reaves, Mr. Taylor stated that as a part of this project, we are changing the grades of the development itself. Right now on

the Existing Conditions Plan, it does go from the right hand side of the plan to the left hand side of the plan. As part of the development we need to design roads and homes need to be flat. So there is some raising of that grade that is taking place. The plan on C-401 has that Grading Plan that shows how that's being graded to keep it fully out of the floodplain and then all of the stormwater will be collected through the storm drain system and go to different stormwater facilities throughout the development.

Mr. Reaves asked Mrs. Melson-Williams if there was a position on the packet that FEMA has taken either way or is that just something that's in process. Responding to Mr. Reaves, Mrs. Melson-Williams stated that it is something that is in process. They have mapped where the existing floodplain line is on their plans; however, they have better information and are in the process of completing what is called the CLOMR (Conditional Letter of Map Revision). That is a process with FEMA that allows the use of better data and potential grading changes to make changes to the floodplain line. They have made the submission to the City and basically there is a section of their application form where the City has to acknowledge that they are making this request to FEMA. We will be completing that section and then they will make a submission to FEMA for the review of their proposed changes to the floodplain location and that information will have to be returned back to the City. If their request for changes is unsuccessful, then we would be into some redesigning of this project. It would be something that would be continued to be monitored by Planning Staff as they move through the continuation of their plan review should it be successful this evening as part of getting to a Final Construction Plan set and Subdivision Plan set for this Bay Village project.

Mrs. Maucher stated that she saw that there were a number of iterations of this plan going back to 2007 and none have progressed. Is there a particular reason for that? Is it related to any of these issues with the floodplain? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that in the DAC Report, we did note a number of previous applications that have come our way over the years for development scenarios at this location. Some of them were not fully pursued. In other cases, one of them was a Rezoning that brought us the zoning we have today. This tract of land which is now just over 79 acres was once part of a much larger tract; so, there's been some Minor Subdivision work to divide the land mass into multiple larger parcels. At one point, this track of land extended all the way over to Long Point Road, which is to the east. She would say that none of the previous ones made it through the multiple step process of the Planned Neighborhood Design. Some of them she believes were withdrawn by the applicant at the time. There have been several potential different owners for this tract of land, but she wouldn't characterize it as the floodplain caused the project to be suspended and something new happen.

Mrs. Maucher stated that she also had a question about the MPO comments about the there being a connector road between White Oak Road and South Little Creek Road and it's in the engineering planning phase now. Does that mean that it's more likely than not to be built at some point? She has a concern with this large number of residential properties. We have 250 townhomes plus the potential for another 200 apartments on this parcel right across from the Garrison Technology Park and the traffic that's involved in going in and out of there. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the MPO did identify a number of studies in this general area. There is a proposal for what is a connector road that would connect White Oak Road then down to the south in order to reach an option for a connection to State Route 1. That

does not cross through this property. But with any project, any development in the general area would be accounted for when they're doing that kind of that road planning process.

Mr. Taylor stated that he believes also this site was identified as part of the *Comprehensive Plan* as an area for residential development to go specifically because of the Garrison Oak Technology Park across the street. So, he just wanted to bring that up as a footnote as part of this.

Mr. Reaves moved to deny SB-26-02 Bay Village Residential Planned Neighborhood Design: Subdivision Plan for the fact that it's over the floodplain area and the FEMA results are not ready yet, seconded by Dr. Jones and the motion failed 2-6 by roll call vote with Mr. Baldwin absent. Mr. Reaves voting yes. Mrs. Welsh voting no; she doesn't know that that's a valid concern at this point in time. Mr. Lewis voting no; he is sympathetic to the FEMA concerns and the waiver concerns, but given that we know that this isn't the final step in the process, he thinks we can move forward and see what the future tells us with answers to these questions. Mr. Roach voting yes; he agrees with the motion because he thinks there are a lot of unanswered questions. He is definitely excited about the addition of all the townhomes. You all know that he really always agrees with us adding homes as far as this area. But just as far as the emergency exit around the back, then a lot of the comments and then the FEMA issue of being on the floodplain, he thinks there a lot of things that we just basically want to know that we have answers to before saying yes. Mrs. Denney voting no; she thinks that this is the first step literally, in what will be many other meetings. Not just meetings with the City of Dover but with FEMA and other entities like DNREC, etc. that have keener eyes on this. She thinks for us to stop it in its infancy because of restrictions and regulations and things that may can come up that will prevent it from going forward later is presumptive of us. She thinks we need to let it ride and see where the true engineering designs get it with FEMA, DNREC, etc. She thinks it's their place to stop it. It's the same way that she always feels about DelDOT getting to make the mean call, not us. Mrs. Maucher voting no; for reasons stated. Dr. Jones voting no; noting that this is early the phase of this process and that there is some unreadiness. Mr. Witham voting no; he agrees with the comments that Mr. Lewis made. This is a process and the process should continue on. It may very well be that the applicant is going to have some problems and will have to redesign the project again and we will have to go back a stage or two; so, this is not the end of the road in that sense.

Mrs. Melson-Williams stated that with the failure of that motion, we still need some action regarding the Subdivision Plan for this PND and the associated Waiver Request for the Elimination of the Alley for Lots 1 to 20.

Mrs. Denney stated just as a matter of clarification, at this point, we are looking for another motion and because the motion to deny failed. She just wants to know that she making the right move here.

Mrs. Denney moved to approve SB-26-02 Bay Village Planned Neighborhood Design: Subdivision Plan so that it can move forward and we can get engineering type opinions and research done by the entities that will really understand a lot more than we do with regard to what needs to happen next and let the applicant have to stand up to those regulations as it moves forward. She also approves the Waiver for the Elimination of Rear Alley for Lots 1-20, seconded by Mr. Lewis.

Mrs. Maucher stated that she has concerns about the Waiver. Is it possible to divide the motion for the project from the Waiver and vote on those two separately? Responding to Mrs. Maucher, Mrs. Denney state that as the maker of the motion, if that helps others with the vote, she is happy to split that and just make a motion to accept the application and we could not include the Waiver in that motion.

Mrs. Denney moved to approve SB-26-02 Bay Village Planned Neighborhood Design: Subdivision Plan so that is can move forward and we can get engineering type opinions and research done by the entities that will really understand a lot more than we do with regard to what needs to happen next and let the applicant have to stand up to those regulations as it moves forward and vote on the waiver for the elimination of rear alley for Lots 1-20 separately should this body choose to do so.

Mr. Witham stated that there is a point of order here that we have an obligation as Commissioners to determine if we grant the Waiver to determine if the applicant has met the requirements to show that it's impractical for the design to have an alleyway. We have to find that it's impractical for them to do that. If you don't think that that proof has been made, then you could, in his opinion, make that motion.

Mrs. Melson-Williams stated that she thinks as suggested by Mrs. Maucher, you could certainly divide the question as it was originally posed and address the plan from an overall concept and then in a separate motion, take action on the Waiver for that Elimination of the Alley. So she thinks that in her amendment to the motion she removed the (Waiver) consideration from her first motion.

Mr. Lewis stated that they did have a motion and a second on a previous motion. Does that just get eliminated now that the motion maker has revised her statement?

Mrs. Denney withdrew her original motion to include the waiver.

Mrs. Denney moved to approve SB-26-02 Bay Village Planned Neighborhood Design: Subdivision Plan so that it can move forward and we can get engineering type opinions and research done by the entities that will really understand a lot more than we do with regard to what needs to happen next and let the applicant have to stand up to those regulations as it moves forward and vote on the Waiver for the Elimination of Rear Alley for Lots 1-20 separately should this body choose to do so, seconded by Mr. Lewis.

Mr. Reaves asked for clarification if this motion is approved, will this come back before the Planning Commission? Responding to Mr. Reaves, Mrs. Melson-Williams stated that the Subdivision Plan would not be required to come back to the Planning Commission unless there was a major redesign. The future development of the apartment complex area of the project would be subject to future review by the Planning Commission.

Mrs. Denney moved to approve SB-26-02 Bay Village Planned Neighborhood Design: Subdivision Plan so that it can move forward and we can get engineering type opinions and research done by the entities that will really understand a lot more than we do with regard to

what needs to happen next and let the applicant have to stand up to those regulations as it moves forward and vote on the Waiver for the Elimination of Rear Alley for Lots 1-20 separately should this body choose to do so, seconded by Mr. Lewis. Mrs. Denney voting yes; she believes that this is an excellent project for that area. Certainly we all know that housing units are a pretty valuable commodity to the health and welfare of our community and she thinks that again, it's a good design, She feels like aesthetically, they have taken measures to make it nice and so she would really like to get behind this. Mrs. Maucher voting yes; based on the DAC comments and recommendations. Dr. Jones voting yes; based upon DAC comments. Mr. Reaves voting no; due to the fact that this is built directly over the lowest point of the floodplain area and the number of apartments is detrimental to mitigating the water that comes from a floodplain area. Mrs. Welsh voting yes; for reasons previously stated in conjunction with Mrs. Denney. Mr. Lewis voting yes; for reasons previously stated. Mr. Roach voting no; again I'm very excited about the project, but again, he just feels as though as far as what we asked for, knowing that we all have the same concern and we know how sometimes it doesn't get back to us. Especially with it being over the floodplain and all of us having the same concerns. He thinks that we could have just voted no and just brought it back all together in one vote. But again, he is definitely excited for a project, absolutely want it but he is going to vote no right now at this point in time to stand for my reason stated as far as it being over the floodplain and then the exit on the back side. Mr. Witham voting yes; for the reasons stated on the record and for the DAC comments and the requirement that he thinks they have to make separately on whether the Waiver should be granted.

Mrs. Maucher moved to deny the Waiver Request for the Elimination of the Rear Alley for Lots 1 to 20 based on Staff's comments and observations and the safety concerns, seconded by Dr. Jones and the motion was carried 7-1 by roll call vote with Mr. Baldwin absent. Mrs. Maucher voting yes; for reasons stated. Dr. Jones voting yes; due to uneasiness with that Waiver. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mr. Lewis voting no; without being unsympathetic to the Planning Staff's recommendation he thinks the space there would be adequate in case an emergency would arise. He thinks the space provided would be adequate to serve the need of what a potential alley would do. Mr. Roach voting yes. Mrs. Denney voting yes. Mr. Witham voting yes; he is not satisfied that it is not feasible to put an alley back there.

Mr. Taylor asked if that was a recommendation for denial (of the Waiver). Responding to Mr. Taylor, Mr. Witham stated yes, our decision goes to City Council.

MI-26-06 Text Amendments: Clean Hydrogen Production Facilities – Public Hearing and Review for Recommendation to City Council of Text Amendments to Zoning Ordinance pertaining to clean hydrogen production facilities by amending the *Dover Code of Ordinances*, Appendix B - Zoning by adding a definition for “clean hydrogen” in Article 12 and by amending Article 3, Sections 19, 20, 20A and 20B to allow clean hydrogen production facilities to operate as permitted uses in certain zones and adding supplementary regulations by which these facilities must abide. The zoning districts for clean hydrogen production facilities include the M (Manufacturing Zone), IPM (Industrial Park Manufacturing Zone), IPM2 (Industrial Park Manufacturing Zone – Business and Technology Center), and IPM3 (Industrial Park Manufacturing Zone – Industrial Aviation and Aeronautics Center). Ordinance #2026-10.

Representative: Staff

Mrs. Melson-Williams stated that this is a series of Text Amendments to the *Zoning Ordinance*. In the case of a Text Amendment to the *Zoning Ordinance*, the Planning Commission makes a recommendation. That recommendation after your own public hearing is forwarded to City Council. City Council will conduct their own public hearing and take final action on the amendment. The proposed series of Text Amendments are related to Clean Hydrogen Production Facilities. This is Ordinance #2026-10 as Application MI-26-06. What this does is a series of amendments to our M (Manufacturing Zone) and then our IPM (Industrial Park Manufacturing Zone) series: the IPM2 (Industrial Park Manufacturing Zone - Business and Technology Center) and then the IPM3 (Industrial Park Manufacturing Zone - Industrial Aviation and Aeronautics Center). She will note that at the present time, there are no properties that are zoned the IPM3 here in the City; not to say that there won't be in the future. This is a proposed series of amendments that would allow for the manufacturing of clean hydrogen in production facilities. The Text Amendment includes a definition for "Clean Hydrogen" as part of the Amendment. That will be made in Article 12 which is also the definition section of the *Zoning Ordinance*. The background report gives some information about the MACH 2 Initiative which is Mid-Atlantic Clean Hydrogen Hub Initiative that the State has been participating in. It gives you a little bit of information about what is "clean hydrogen". Basically, there is energy that is introduced to then split water. It basically creates a hydrogen gas. There is information about safety. This is really brought forth in support of that MACH 2 and potential for economic development in the long run here in the City. This does not establish a Clean Hydrogen Production Facility at any location in the City; it just adds it to the list of potential permitted uses in those series of zones. As part of the Report, Planning Staff had to issue a recommendation per the criteria that is established in the *Zoning Ordinance* related to Text Amendments. We have to determine whether the change is consistent with the *Zoning Ordinance* itself and the aims and principles of the zone and also whether the amendment is consistent with the aims of the *Comprehensive Plan* for the City. Included in our Report are a number of excerpts from the *City's Comprehensive Plan* from 2019. Specifically some excerpts were pulled from Chapter 10 which is the Economic Development Chapter as well as Chapter 12 which is the Land Development Plan portion that focus on employment centers and creating a vibrant economy and potential job opportunities. The Planning Commission specifically as part of your process, is also charged by the *Zoning Ordinance* to consider those same criteria of how these Text Amendments are consistent with the *Zoning Ordinance* as well as with the aims of the *Comprehensive Plan*. We did submit this to our agency reviewers as part of the Development Advisory Committee. Most of them in their comments reflect that they have no objections to the proposed amendments but make some advisory notes that any development project associated with this type of facility has a separate review process for it. She will note that this was predominantly being brought to you by Planning Staff in conjunction with the City Manager's Office. The City Manager, Sharon Duca, is here in the room for any additional comments.

Mr. Witham stated that he is not sure that they all know how hydrogen is produced. Responding to Mr. Witham, Mrs. Melson-Williams asked if Mr. Witham was asking that as a question.

Mr. Witham stated that he would like to reaffirm how it is produced. He has an idea of how it's produced, but if someone is more of an expert in that arena, he would like to hear some comments on that. He does know that it takes less electricity. Hydrogen is a renewable source of

energy. It doesn't produce pollution, and it's a very helpful energy source because we know at the present time that our electric grid is in deep state of repair. It is going to cost a lot of money to repair that grid and we need to have another source of usable energy. In his opinion, hydrogen is more usable based on economics, environmental issues, and wind power or sun power. So, he agrees with the Ordinance.

Mrs. Denney stated that that is her understanding. It has been a long time since she has taken chemistry.

Mrs. Duca stated that basically she would like to add the support regarding the Ordinance and the economic vitality that will be brought to the City of Dover. In terms of your questions regarding the production of hydrogen itself, we have a few technical experts available. One of which is Mr. Andrew Cottone who is online. It would be excellent to have him join in on the discussion.

Mr. Gregg Moore stated that Becker Morgan Group is actually representing Aternium who is the provider here. We are not proposing this change. We have reviewed it and we have followed it and worked with the City Manager to get to this stage. We do have an expert here; his name is Mr. Andrew Cottone and he is actually in Europe but has joined us online. He can explain production of hydrogen.

Mr. Cottone stated that he is here to answer any questions.

Mr. Witham asked Mr. Cottone for a short dissertation of how hydrogen is produced and why it's safe and economical to use.

Mr. Cottone stated that hydrogen is produced in a few different ways; many of which you don't want in Dover due to the pollution and some of the other aspects surrounding it. When you look at Delaware and Dover in particular, we are not sitting on reserves of coal, oil, or natural gas, but we are sitting on pre-packaged hydrogen for the future energy, which is water. You simply take electricity, you pass it over water at very precise conditions, the hydrogen comes off at the cathode, the oxygen comes off at the anode, and it becomes pre-purified and ready to ship out. An advantage that Dover, DE has is that they are within about 150 miles of an already huge 2,000 metric ton per day hydrogen economy. So, you pass electricity over water, split the water into hydrogen and oxygen; that is simply how it works. One last thing is that the wastewater in Delaware is a lot cleaner than he grew up drinking, chemically speaking. We can actually use wastewater for this process.

Mrs. Maucher stated that she has a couple of questions. She knows enough about this to be dangerous. So in order for it to be "clean hydrogen", the electricity has to be produced by a renewable meaning nuclear, is that correct? Responding to Mrs. Maucher, Mr. Cottone stated that is correct.

Mrs. Maucher stated that if you used gas to make it, then it would be "brown hydrogen", is that correct? Responding to Mrs. Maucher, Mr. Cottone stated that there are lots of different colors of hydrogen. But to specifically make it clean, as you were talking about, you would need to

generate or purchase your electrons from wind, solar, or nuclear. They are the three types of energy approved under 45V of the recent Big Beautiful Bill.

Mrs. Maucher asked how much electricity is needed. There is a big debate going on now about data centers and the excessive power demands and water demands. She doesn't have a clear understanding of either of those. How much energy would be demanded and how much water demands would be there? Responding to Mrs. Maucher, Mr. Cottone stated that first, when you compare a hydrogen plant to a data center, they are extremely different. The hydrogen plant scaled at this area is going to be a lot smaller, not the gigawatt size that we are talking about. Secondly, a data center has to be on, unless it's crypto-mining, 24/7 and if the electrons had to choose between the data center and the community, then they are going to have to choose the data center. But in clean hydrogen's particular case, the facilities could be set up as a demand response. Meaning when the community needs the energy, then the company comes offline. He thinks that when you are looking at the Mid-Atlantic, you can look at reasonable sizes from 40 megawatts to 80 megawatts of electricity going in per plant, but it's only using the electricity when the community is not using it and gets off using it when the community does need it. For the water question, each plant will need about half to two-thirds of an Olympic size swimming pool every day. So, not very much especially when you compare it to the data centers and when you think that Delaware is in a position where you can deploy wastewater for this.

Mr. Witham asked if you could use seawater to produce hydrogen. Responding to Mr. Witham, Mr. Cottone stated can you, yes, but it is not economically viable right now. The electrolyzers, where the water is split into hydrogen and oxygen are very sensitive machines and the sea water has a lot of impurities in there that would ruin the lifetime of those machines. So, the water that we will be using is even more pure than the water that goes out into the public. Is that something that's possible down the line in 10 to 15 years? Yes, he thinks so. You can, but it's not industrially feasible at this point.

Mr. Witham stated that we are just going to approve those sections in the amendments that will be applicable to various aspects of the *Zoning Ordinance* since the *Zoning Ordinance* does not address hydrogen in any way, correct? Responding to Mr. Witham, Mrs. Melson-Williams stated that these industrial zones in the Manufacturing Zones actually in their uses prohibited, list hydrogen and oxygen for manufacturing processes that involve the primary production of hydrogen and oxygen. Currently in our Code, that's prohibited. So, in this proposed Text Amendment, there is a amendment to make a change there to allow the production of hydrogen and oxygen when it is related to "clean hydrogen production facilities" only. So that happens across the board in the M (Manufacturing Zone) and IPM (Industrial Park Manufacturing Zone) series. Really with this amendment we have to do two things: add clean hydrogen production facilities to the uses permitted and make a slight edit to the uses prohibited so that we allow for hydrogen and oxygen production when it's related to a clean hydrogen production facility and then of course define what "clean hydrogen" is.

Mr. Witham stated that we presently have no one making an application to place one of these facilities in our city. Responding to Mr. Witham, Mrs. Melson-Williams stated that currently, there is no application to place one of these facilities, because right now if you open up our Code Book it says, "no you can't do that"; it is a use prohibited.

Mrs. Maucher stated that it is her understanding that this stuff is very, very dangerous. It is very flammable and potentially explosive. She doesn't have a problem with the production facilities per say but it must be set aside in protective zones. Is that something that is developed in the application process or will there be more amendments coming to protect the public from the potential danger of these facilities? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that in order to develop one of these facilities, if this Text Amendment is adopted, it would be a Site Development Plan Review process. So, your *Zoning Ordinance* has setback provisions. There are certainly other provisions that may require certain screening and landscaping. The process to build one of them certainly is going to go through a Building Code and Fire Code review process. In the Fire Marshal's comments, they did note that there is a specific NFPA Section, which is a Fire Code; NFPA 2 which deals with hydrogen technologies that have already been adopted for use here in Delaware. So, there are certainly Code provisions in a broader sense related to regulating these facilities should one look to develop here in Dover. Likewise, the M (Manufacturing Zone) and the IPM (Industrial Park Manufacturing Zone) series do also have the Performance Standards Review application process that is part of the *Zoning Ordinance* already that asks a lot of those questions about what we call the "objectionable elements". So any future project would have to address those items which are likely tied to specialized permitting and things to put some of those protections in place.

Mrs. Maucher asked about concerns with transportation. Is it going to be piped out or tanked and put on roadways to move it? She knows that it is alternative fuel in some circumstances, but I guess we cross that bridge when we get to an application. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that it is Staff's understanding that at this point, most of it would be trucked from a clean hydrogen facility. That is the mode of transport of distribution at this point in time.

Mrs. Denney stated that for instance, Schagrin fills trucks with natural gas and delivers it here and there. Is that the same way theoretically that this gas would be distributed? Responding to Mrs. Denney, Mrs. Melson-Williams stated yes, but she directs it to Mr. Moore to find who on the project team could best answer that question series for you.

Mr. Moore stated yes, this material would be produced in a facility, and it would then be trucked like Schagrin Gas or propane or any other natural gas material. It is very similar to natural gas and reacts similar to natural gas.

Mrs. Denney stated that if we develop an ordinance to allow it here and we will have all of the rules and regulations about screening, etc. She used to manage a small town here, so she always probably thinks way far out of the box. You can screen and make everything look pretty all around the hydrogen plant or a gas plant, but what you can't do, other than following the rules and regulations and the safety regulations most especially but you can't 100% prevent a very serious explosive. Responding to Mrs. Denney, Mr. Moore stated that this process would actually be done inside of a building very similar to a building that you would see for warehousing or something similar. So, it is not a gas plant like what you might see at Garrison where they are using natural gas to produce electricity. It doesn't look anything like that. There are not stacks. This is done inside of a building so it is contained. It is treated like a Site Plan

which would come back before you at that time to show you what the building looked like and how it was positioned, how far it was from neighbors, etc. That would be the Site Plan stage. For Aternium, who you have heard from Mr. Cottone, they do not have a property. We do not know where it's going to go and until the Ordinance is changed, they can't purchase a property. When we get to the public hearing, he knows that Mr. Shane Breakie is here. He is very knowledgeable about gas production, gas movement, and trucking. He could probably actually shed light as part of the public hearing as to how that occurs and their knowledge of it from a Chesapeake Utilities standpoint.

Mrs. Denney stated that what went on in her mind as she went through this information is that we don't have it now and at the moment; we don't miss it because we don't have it. She is concerned of the potential dangers which again, she is just learning here. Why do we need it in Dover? Responding to Mrs. Denney, Mr. Witham stated that perhaps we could have this addressed through the public hearing because we are going to be hearing from some experts.

Mr. Witham opened a public hearing.

Mr. Shane Breakie – Chesapeake Utilities at 500 Energy Lane Dover, DE 19901

Mr. Breakie stated that he is the Vice President of Sustainability at Chesapeake Utilities. We are here in support of this initiative. Chesapeake Utilities has been a partner in the MACH2 initiative that was brought up earlier in trying to bring hydrogen hubs into the Region. One of the benefits of hydrogen is that it's in lower carbon emissions; something that we are all trying to attain and something that our company has been very proud of supporting over the years. We do see emissions, not just in our operations but throughout the State as well. One of the applications for hydrogen, as Mrs. Maucher was saying, is utilizing it as a vehicle fuel. It can be trucked around but it can also be used as a vehicle fuel just as natural gas is. At our facility in Dover, we actually have a natural gas fueling station there. As Mr. Moore was saying, hydrogen has similar aspects as natural gas so it can be used as a vehicle fuel just as natural gas is. Our proposal with the Hydrogen Hub Initiative was to support bringing in hydrogen as a vehicle fuel. One of the other participants with the Hydrogen Hub was DART. They are looking to transfer some of their fleet over to hydrogen. Working together, some of the concepts are to have a centralized location that is producing hydrogen that we can use as a clean burning fuel and have it here in Delaware. He is also part of the local economic development initiatives also. It could bring good paying jobs to this Region as well.

Mr. Witham stated that it is his understanding that based upon current trends, you can actually manufacture hydrogen in cylinders. You can simply drive your car into a gas station and you replace your cylinder of hydrogen with a new one or have it refilled. This is what the auto industry is developing. Responding to Mr. Witham, Mr. Breakie stated that he is not aware of that method but what they do at their facility with natural gas is they actually compress it. We have a compressor there and the cylinders are permanently within the vehicles so we are just filling it within the vehicle.

Mr. Witham stated that they are saying that it is being done in some other countries other than the US. He wasn't sure if that method was going to be developed in the US. This is just stuff that he has read.

Mr. Breakie stated that he would also say that the proposal that he was hearing was to fill trailers to move hydrogen around. They do something similar with natural gas at our Dover facility where we have large trailers that can move large amounts of natural gas around by truck. Actually, they do have a trailer at our Florida facility that can do that same thing for hydrogen. It would be very similar to the trucks that you see hauling propane as you had mentioned.

Mrs. Denney asked if you would be able to use that for trains. Can it be moved by train from place to place? Responding to Mrs. Denney, Mr. Breakie asked if she was referring to it as a fuel for the train.

Mrs. Denney stated no, not as a fuel for the train but just to take it to another area where it can be utilized. Responding to Mrs. Denney, Mr. Breakie stated that it can be. He just doesn't know if there are regional limitations that wouldn't allow you to do that. He is not sure if you can go through tunnels or other areas like that and he doesn't think you can do that with propane either. But it would probably follow the same restrictions as propane.

Ms. Linda Parkowski – Kent Economic Partnership 555 Bay Road Dover, DE 19901

Ms. Parkowski stated that she is the Executive Director for the Kent Economic Partnership which is the economic development agency for Kent County and they represent Dover as one of our cities that they do economic development for. This Text Amendment allows hydrogen production. Right now with the MACH 2, we are not in a position to solicit any manufacturing companies that do hydrogen. That is why this Text Amendment is extremely important because it allows us to get into this type of industry because right now we can't. She doesn't know if you know but the reason that hydrogen and oxygen and a lot of other things are in Codes as prohibited uses was because 30 years ago, somebody was trying to put a refinery off of Smyrna and then one municipality wrote a bunch of Codes and prohibited everything that has to do with that refinery and all of the municipalities copied it. Now, we are trying to modernize municipalities because the production is different today than it was thirty years ago. You heard from our PhD expert on that. A facility like this would bring about \$200 million of investment into our community. It's not a \$5 or \$10 million investment; it is huge. Also, it comes with good paying jobs. She would encourage the Planning Commission to let us allow it. You can put all of the conditions on once you get a Site Plan and you actually get a company that wants to do it. Let Dover and Kent County to be the first to allow this to modernize.

Mr. Andrew Cottone – Aternium

Mr. Cottone stated that he just has a few points. He heard some great things on safety and the economic development. Aternium is also a member of the MACH 2. The hydrogen economy is inevitable. It is expected to reach \$50 billion by 2050. The growth of this economy is being driven by many forces; mainly, the need to decarbonize hard to abate sectors. He heard a comment, "We don't have it; so why do we need it?" It is replacing some of the dirty hydrogen that is already out there. Some of those hard to abate factors are chemicals, long haul transportation heavy industry. Specific to Dover, like he said, we are not sitting on a reserve of anything else but you do have access to some of the most relatively pure treated wastewater which is the main infill for clean hydrogen. This Code update does enable Dover to participate in the hydrogen growth sector by attracting large scale investment, integrating hydrogen into the

energy infrastructure, and positioning the City as a hub within the Mid-Atlantic Corridor. Hydrogen's growth builds on an already massive industrial foundation. Over 100 million metric tons of hydrogen are produced and used globally here. This is not new; this just might be new to our Region. Meaning the transportation of hydrogen is less about creating a new market and more about decarbonizing an already existing one. In fact, Dover sits within 150 miles of a market that uses 2,000 metric tons of hydrogen every day right now. Dover stands to benefit but leveraging this existing demand base allowing projects to anchor on real customers that the Mid-Atlantic offers while expanding into emerging uses like energy storage, power resilience, and synthetic fuels. As we heard earlier, of all of the different rainbow colors of hydrogen, he thinks gray hydrogen is the hydrogen made from SMRC (Steam Methane Refining) which is what you don't want here. Clean hydrogen is defined by how it's produced. When generated from water using the renewable or lower carbon electricity, like we spoke about earlier, there is little to no greenhouse gas emissions at the point of use with water vapor as the primary by-product. This technique enables communities like Dover to support the industrial book of companies that don't need subsidies in offering energy reliability while still meeting the climate and air quality goals. This makes this a practical and financially independent pathway to clean and industrial development. Hydrogen can and will protect the communities from harmful pollution with the highest safety standards that are already established. Just look at the American Gulf Coast: 1,600 miles of pipeline, trucks going all over the place and putting the hydrogen on trains while delivering the economic benefits. We don't have to reinvent anything here; we can copy and paste and deliver it this economic opportunity to Dover. Early adopters like what Dover is considering and what we are here in support of. Any municipalities that host them will play an outsized role in shaping the infrastructure, workforce development and supply chains. Hopefully Dover's willingness to modernize its Code signals to investors and developers alike, that it's open for the next generation infrastructure projects. By acting now, this City can capture the first in advantage of high quality jobs, long term economic relevance, etc.; all built on a molecule that is well established in the United States. Hydrogen will become a fundamental component of the global energy system. Dover has its chance to be first. For these reasons and more, he strongly supports the Zoning Code change.

Mr. Jeff Klinkhart (virtual) – unknown

Mr. Klinkhart stated that he is here to support any questions related to safety or fire protection if there are any.

Mr. Juan Carlos-Rivadeneira (virtual) - unknown

Mr. Carlos stated that he doesn't have anything else to add. He is in support of this change.

Mr. Witham closed the public hearing.

Mr. Witham stated that he read through the changes and the only major change is simply adding this paragraph to appropriate sections and it states, "Clean hydrogen production facilities for the production of clean hydrogen and defined in Article 12 shall be permitted subject to compliance with Article 5, Section 8 which pertains to Performance Standards in all applicable zones and environmental regulations."

Mr. Lewis moved to recommend approval to City Council for MI-26-06 Text Amendments: Clean

Hydrogen Production Facilities including the recommended text regarding Article 3, Sections 19, 20, 20a, and 20b to allow “clean hydrogen production facilities” to operate as permitted uses in certain zones and adding supplementary regulations by which these facilities must abide, seconded by Mrs. Welsh and the motion was carried 8-0 with Mr. Baldwin absent. Mr. Lewis voting yes; for reasons previously stated. Mrs. Denney voting yes. Mrs. Maucher voting yes; based on the Staff Report. Dr. Jones voting yes; based upon previous statements and all of the explanations. Mr. Reaves voting yes; based on the Staff Report and previous comments. Mrs. Welsh voting yes; based on all of the information on received on the use of hydrogen. Mr. Witham voting yes; based upon the Staff recommendations. It appears to be a welcomed need for the City of Dover and for the future. Mr. Roach voting yes.

NEW BUSINESS

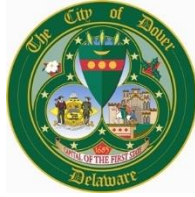
PUBLIC COMMENTS OPPORTUNITY

There was no one wishing to provide comments.

Meeting adjourned at 9:50 PM.

Sincerely,

Kristen Mullaney
Secretary



Resolution

Whereas, William L. Witham Jr. became a member of the City of Dover Planning Commission by appointment on January 8, 2024 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest; and,

Whereas, William L. Witham Jr. has played a role in ensuring fundamental fairness and careful forethought in the planning and development of the Capital City through his service on the Planning Commission; and,

Whereas, William L. Witham Jr. served in the position of Chair of the Planning Commission since his election to the position on August 19, 2024 through the present; and,

Whereas, William L. Witham Jr. has influenced the pattern and appearance of development in Dover through his actions to ensure compliance with the City's 2019 Comprehensive Plan as adopted; his participation in the review and implementation of various text amendments to the Zoning Ordinance; his concerns for the public's health, safety, and welfare when considering applications; and,

Whereas, William L. Witham Jr. completed his service on the City of Dover Planning Commission on July 2, 2026.

Now Therefore Be It Resolved That, the City of Dover Planning Commission does hereby express its sincere appreciation to William L. Witham Jr. for his faithful and diligent service to the Citizens of the City of Dover as an active member of the City of Dover Planning Commission and extends its very best wishes to William L. Witham Jr. in his continued service to the community.

Joan Denney
Planning Commission Vice-Chair



PETITION TO ANNEX AND REZONE PROPERTY
Development Advisory Committee Meeting of July 8, 2026
Public Hearing Before Planning Commission on July 20, 2026

File Number:	AX-26-03
Ordinance Number:	2026-13
Applicant/Owner of Record:	Frances L. Johnson and Bruce Johnson
Property Address:	102 Fox Hall Drive, Dover DE
Tax Parcel ID #:	ED-00-076.05-01-06.00-000
Lot Size:	1.6390 acres +/- (71,394.94 SF)
Present Zoning:	RS-1 (Residential Single Family Zone)
Proposed Zoning:	R-20 (One Family Residence Zone)
2019 Comprehensive Plan Designation:	Category 1: High Priority Annexation Areas
2019 Comprehensive Plan Land Use Category:	Residential Low Density
Present Use:	Single Family Detached Dwelling
Proposed Use:	Single Family Dwelling
Utility Availability:	<u>Electric:</u> 102 Fox Hall Drive is currently served by City of Dover Electric. With any future redevelopment or subdivision 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 in electrical service needs related to any future redevelopment or subdivision including extending and providing service upgrades to the proposed property. <u>Water and Sanitary Sewer:</u> 102 Fox Hall Drive is not served by City of Dover Water. 102 Fox Hall Drive is not served by City of Dover Sanitary Sewer. The property owner has 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-26-03:**

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: July 8, 2026

City of
Dover
Planning
Office

Item 3.

APPLICATION: Annexation of Lands of Johnson at 102 Fox Hall Drive, Dover DE

FILE #: AX-26-03 REVIEWING AGENCY: City of Dover Planning

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

I. APPLICATION SUMMARY

Review of an Annexation Request and Rezoning Request for a parcel of land totaling 1.6390 acres +/- located at 102 Fox Hall Drive. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed Zoning is R-20 (One Family Residence Zone). The property is located on the south side of Fox Hall Drive to the west of but not adjacent to Kenton 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 Low Density. The property owners are Frances and Bruce Johnson. Property Address: 102 Fox Hall Drive. Tax Parcel: ED-00-076.05 -01-06.00-000. Proposed Council District 1. Ordinance #2026-13. Proposed Council District 1. Ordinance #2026-13.

Existing Property

The property is located on the south side of Fox Hall Road off Kenton Road. The subject parcel is contiguous to the City boundary east of the subject parcel (100 Fox Hall Drive). The parcel is part of a larger group of parcels on Fox Hall Drive and that makes up an enclave that is surrounded by the City. The property includes an existing single-family detached dwelling on the northern portion 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. Three (3) lots at the east end of Fox Hall Drive at Kenton Road are within the City of Dover are all zoned RM-1 (Medium Density Residence Zone). At the opposite end (west end) of Fox Hall Drive, the property at 115 Fox Hall Drive is zoned R-20; it was annexed with application AX-21-02.

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 Low Density. The goals and recommendations for the Residential Low 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 Low Density Land Uses (page 12-4):

Recommendation for Residential Low Density

Residential Low 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 Low Density. Low density residential uses are permitted in the following zoning districts: R-20 (One Family Residence Zone), R-15 (One Family Residence Zone), R-10 (One Family Residence Zone), 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 Low 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 Low Density.

Residential Low Density	R-20 (One Family Residence) R-15 (One Family Residence) R-10 (One Family Residence) R-8 (One Family Residence) R-7 (One Family Residence) C-1 (Neighborhood Commercial)
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III. ZONING REVIEW

Request for R-20 (One Family Residence Zone)

The applicant has requested the zoning of R-20 (One Family Residence Zone). The types of permitted uses in the R-20 (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-20 (One Family Residence Zone) is for a zone that focuses on one-family residences (detached dwellings) on lots of a minimum 20,000 SF size.

Staff recommends the annexation of the property at 102 Fox Hall Drive and its rezoning to R-20 (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 Low Density. This is a High Priority

Annexation Area since it is an enclave and will help fill in one of the holes within the City of Dover Boundary. The R-20 zoning is consistent with other developments in the area surrounding this parcel which include a number of residential zones such as R-20 to R-8. The R-20 zoning accommodates the current use of the property as a single-family dwelling. This series of parcels along Fox Hall Drive consists of large lots and the R-20 which requires a minimum lot size of 20,000 SF will continue to reflect the character of this neighborhood street. 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-20 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. Given the overall size of the parcel, but that is not currently expected. There is potential for a future subdivision of the parcel into multiple lots.

The parcel meets the lot dimensions for a parcel zoned R-20, and the current dwelling complies 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-20 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 Fox Hall Drive. 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 has worked with the City's Department of Water & Wastewater for procedures, permitting and impact fees to make the connection with water and sewer. Applicant is paying the out of City rates until the Annexation process is fully completed.
- 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: JULY 1, 2026



APPLICATION: Lands of Johnson at 102 Fox Hall Drive
FILE #: AX-26-03
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-00-076.05-01-06.00-000. 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. Water and Sanitary Sewer: 102 Fox Hall Drive is not served by City of Dover Water. 102 Fox Hall Drive is not served by City of Dover Sanitary Sewer. The property owner has 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: 07/01/26

Item 3.
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APPLICATION: Lands of Johnson at 102 Fox Hall Dr

FILE #: AX-26-03

REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.us

PHONE #: (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](#)
Subject: EXTERNAL: Staff Development Advisory Committee Meeting 1 July 2026 DAC
Date: Thursday, July 2, 2026 4:12:54 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 Meeting 1 July

1. AX-26-03 Lands of Johnson at 102 Fox Hall Drive
 1. No Objection to annexation.
3. MI-26-08 Request for Street Abandonment : Liberty Street.
 1. Please allow me to verify that Liberty St is NOT State Maintained ROW. If it is not, I have not objection to abandonment. If it is, there is a process to abandon state ROW that must be started with our ROW section. However, please ensure that the planned facility does not encroach into DeIDOT ROW which is Martin Luther King Drive.

As you pointed out, we have had some reorganization in the department. The new POCs are

Kevin Hickman (Kevin.Hickman@delaware.gov)
Tijah Jones (Tijah.jones@delaware.gov)

Will

Sincerely,

Will T Mobley III, PMP

Division of Economic Development, DELDOT

Interim Kent County Review Coordinator

Phone (302)-760-2409

Will.mobley@delaware.gov

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 7/8/2026

**Dover/Kent
County
Metropolitan
Planning
Organization**

AX-26-03 Lands of Johnson at 102 Fox Hall Drive

FILE # AX-26-03 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.

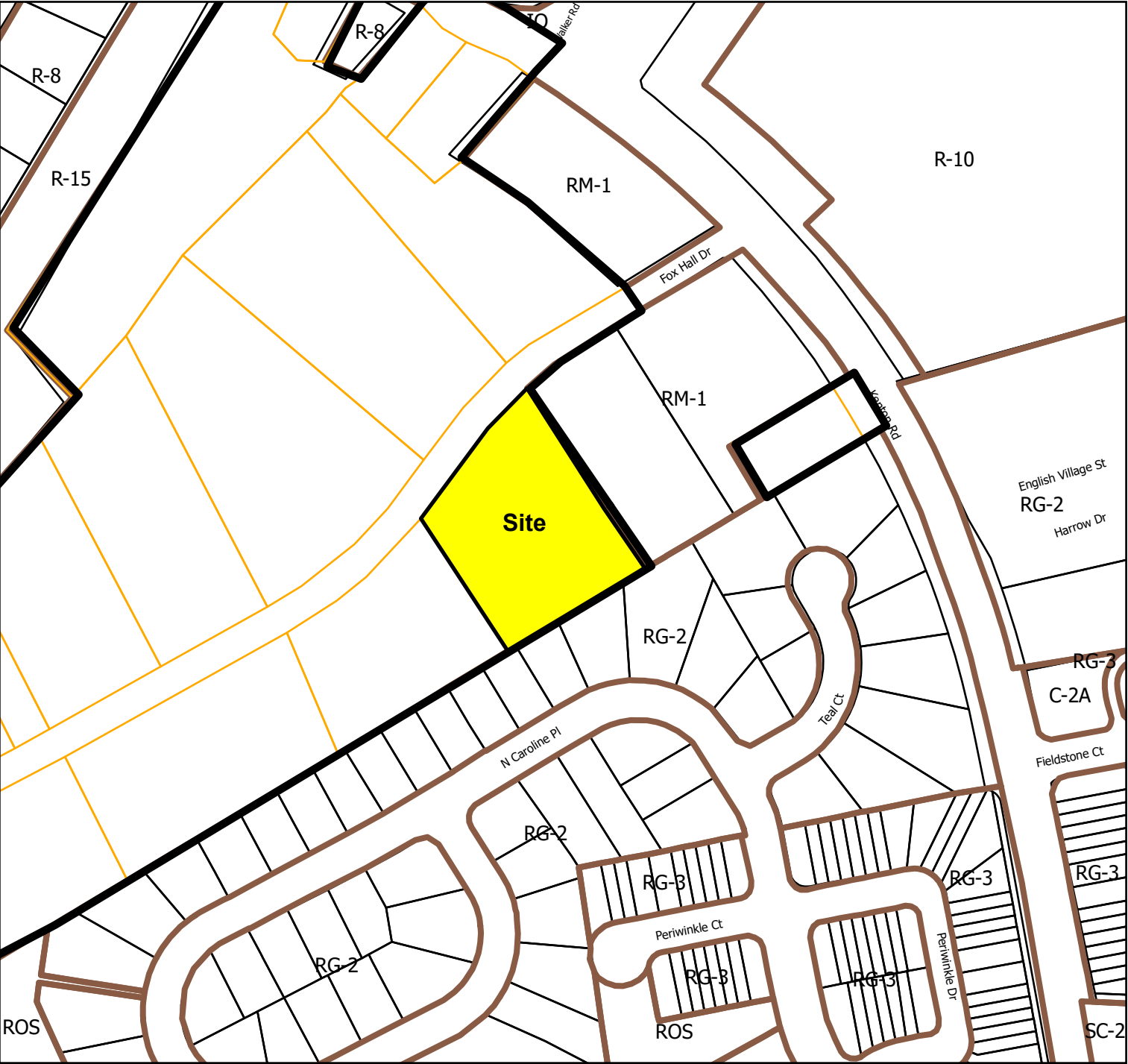
City of Dover Planning Commission
Annexation and Zoning Review

AX-26-03 Lands of Johnson at 102 Fox Hall Drive

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:

Ordinance #:

Addresses:

Parcel ID:

Existing Zoning:

Proposed Zoning:

Owner:

Date:

Annexation & Rezoning of Lands of Johnson

2026-13

102 Fox Hall Drive

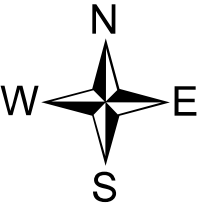
ED00-076.05-01-06.00-000

RS-1 (Residential Single Family Zone)

R-20 (One Family Residence Zone)

Frances & Bruce Johnson

5/27/2026



Legend

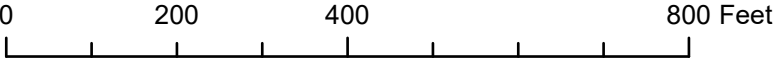
 Subject Property

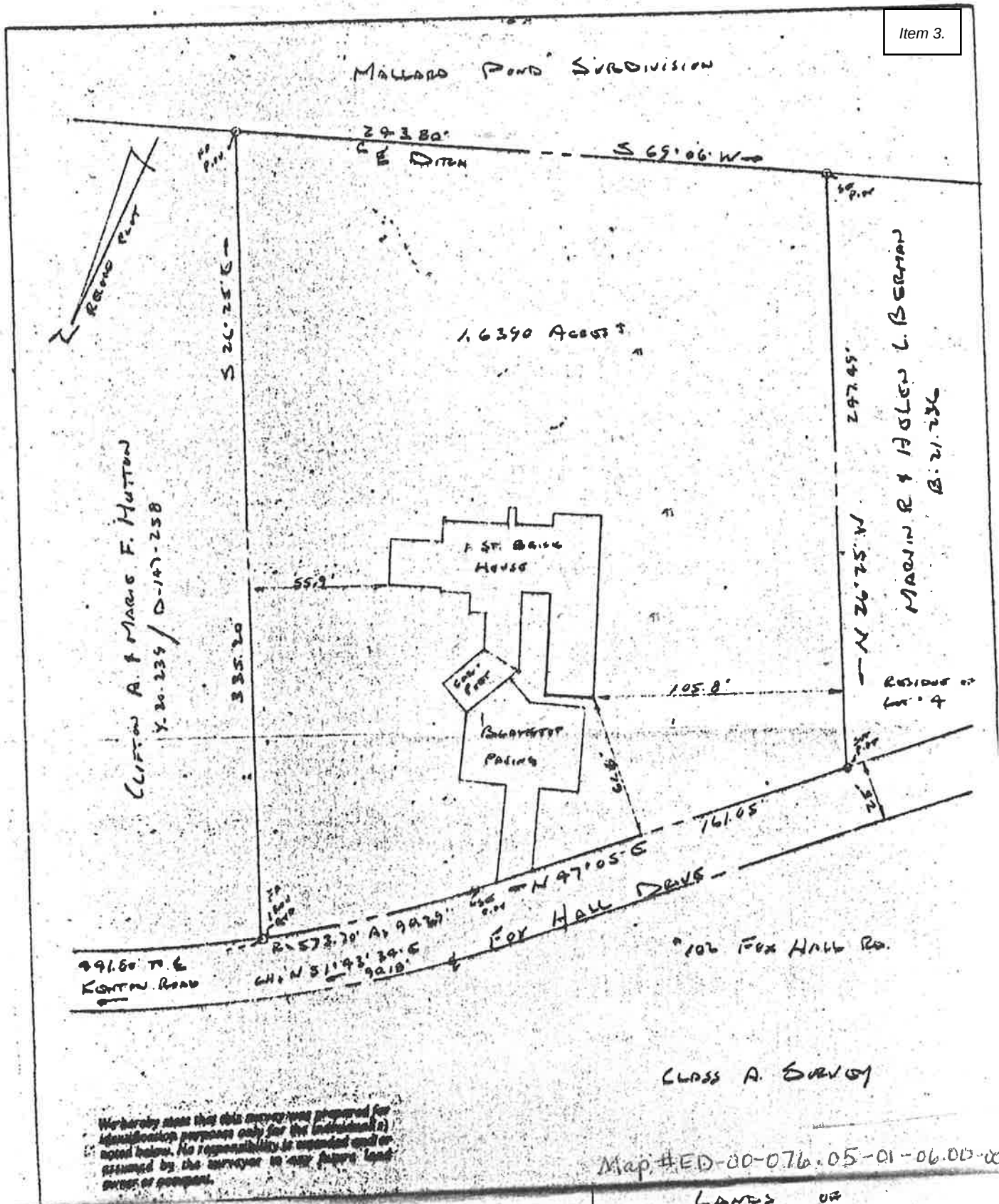
 Dover Boundary

 Zoning

 Dover Parcels

 Kent County Parcels





BUYER: EDWARD B. & MARY C. LEANEY

I hereby state that the improvements indicated hereon are located as shown

LANDS OF
FRANCES M. ZURKOW IN

ESTATE & MORRIS ZURKOW SURON.
EAST DOVER HUNDRED
KENT COUNTY - DELAWARE

EARL D. SMITH, JR.
LAND SURVEYORS
P.O. Box 129, Dover, DE

SCALE 1" = 40'
42



REQUEST FOR STREET ABANDONMENT
 Public Hearing before the Dover Planning Commission
 July 20, 2026

Applicants: State of Delaware – OMB/Division of Facilities Management
 (for Legislative Hall area)

Properties and Property Owners Adjacent to Street Segment:
 411 Legislative Avenue State of Delaware
 Property east of 411 Legislative Ave State of Delaware

Location: Portion of the Improved Street known as Liberty Street (Road C) located
 between Martin Luther King Jr. Boulevard North and Martin Luther King Jr.
 Boulevard South
 See Plan Diagram for Detailed Location

Abandonment Area: ~19,186 square feet (0.4405 acres)

Tax Parcel ID #: No Tax Parcel Numbers – All public right-of-way

Present Use: Drive aisle of parking lot area associated with Legislative Hall

Proposed Use: Abandonment of Public Right-of-Way and Integration into Adjacent Parcels

Reason for Request: To abandon and integrate the Street area into the adjacent parcels
 of land proposed to be consolidated for Legislative Hall Building
 Addition project

File Number: MI-26-08

I. REQUEST SUMMARY

Street Abandonment Request:

The State of Delaware – OMB/Division of Facilities Management has requested that the City abandon portions of the street right-of-way known as Liberty Street (Road C) Alley between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. Boulevard South

This request is being made as part of the project proposal for the Legislative Hall Building Addition project. This Request focuses on the process for Street Abandonment only as the redevelopment project has been subject to separate Site Development Plan applications and Architectural Review Certification reviews (Applications HI-24-07 and S-24-19).

Existing Area:

The subject area consists of a street right-of-way known as Liberty Street (Road C). This area currently contains part of an existing parking lot, parking lot drive aisle, and plaza area with a statue. Recent property surveys and research have shown this Liberty Street to be located within right-of-way; however, it is not in the typical format of a street. The Liberty Street right-of-way requested for abandonment is adjacent on both sides to properties held in the ownership of the State of Delaware. See Table below and attached Plan submission diagrams:

Address	Tax Parcel Number	Current Property Owner
411 Legislative Avenue	ED-05-077.09-02-15.00-000	State of Delaware
Parcel east of Legislative Avenue	ED-05-077.09-02-14.00-000	State of Delaware

Legislative Hall Building Addition project

Site Development Plan Application S-24-19 and associated Architectural Review Certification (HI-24-07) to permit renovation and expansion of Legislative Hall was previously granted conditional approval by the Planning Commission in November 2024 following recommendation by the Historic District Commission. The project includes a three-story 56,820 SF Building Addition on the east side of the existing Legislative Hall building creating a new main public entrance, a Plaza area with Monument Walk, and other site improvements. The existing parking lot and drive aisle will be removed for the Building Addition project as the area will become a Plaza Area with pedestrian access only. As part of the review of Site Plan S-24-19, Planning Staff identified the need to research this (Library Street) right-of-way area that crosses the eastern portion of the Legislative Hall Building Addition project area creating the two adjacent parcels. This review request noted that the resolution may result in abandonment and a parcel consolidation process.

II. RECOMMENDATION OF THE PLANNING STAFF:

The Planning Staff notes that the Legislative Hall Building Addition project is completing the Site Development Plan Review process as S-24-19. The project will reconfigure the access to the Legislative Hall Building to make the east side the main building entrance with an associated pedestrian plaza area. The existing parking lot currently at this Liberty Street right-of-way location will be removed during the redevelopment and parking will be accommodated in the Legislative Hall Parking Garage that is under construction. To the extent that long-term abandonment of the street right-of-way area will help accomplish this development project, Staff supports the conceptual request. Staff believes that the requested Street Abandonment should be conditioned on abandonment coinciding with appropriate planning for the relocation of any utility infrastructure in the Street right-of-way as associated with future site development plans.

III. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

The Request for Street Abandonment is to be considered by the Planning Commission. The Planning Commission as part of their public hearing and review process will provide a recommendation on the Alley Abandonment to the Utility Committee (a City Council Committee of the Whole Subcommittee).

IV. ADVISORY COMMENTS TO THE APPLICANT:

1. The Planning Commission's role is to make a recommendation to the City Council on the matter. City Council has ultimate authority on the Request for Street Abandonment.
2. Staff notes that abandonment of the public street may require relocations or easements for any existing utilities in the area. If the request for abandonment is successful, then additional coordination with various City Departments will be necessary to address utility infrastructure access, the need to maintain emergency access, and the development (and approval) of a Record Plan documenting a transfer of ownership and any associated infrastructure easements.
3. Abandonment of public streets does not constitute approval for physical alteration of such streets. Any modification or ground-disturbing activity must be reviewed through the appropriate site plan process and receive all requisite approvals from regulatory agencies. In this case, this can be achieved with the review and approval of Site Plan S-24-19 Legislative Hall Building Addition.



CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JULY 1, 2026



APPLICATION: Request for Street Abandonment: Liberty Street
FILE #: MI-26-08
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 / WASTEWATER / GENERAL

1. Our office has no objections to the proposed street abandonment.

WATER

1. The street proposed for abandonment contains a city-owned water main. Our office requires that a public utility easement be provided in order to maintain proper service to our customers. The easement may not contain any structures or signage as per the Water / Wastewater Handbook. It is our understanding that adjacent parcels are to be redeveloped and lot lines will be re-recorded. As utility locations are to be redesigned at that time, the public utilities easement is to be re-evaluated by the Department of Water & Wastewater with revisions made as appropriate.

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 / WASTEWATER / GENERAL

1. None

WATER

1. If the future development proposes to build on top of the aforementioned water main location, the developer shall relocate the water main to the satisfaction of the Department of Water & Wastewater. The cost of this relocation shall be the sole expense of the developer.

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: JULY 1, 2026

APPLICATION: Request for Street Abandonment: Liberty Street
FILE #: MI-26-08
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

1. The Electric Department has no objection to the proposed abandonment of Liberty Street. The streetlights within the proposed abandonment area are State-owned and are not maintained by the City of Dover Electric Department. The Electric Department has reviewed the proposed abandonment area and is not aware of any City of Dover Electric Department infrastructure within that area.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

1. None

ADVISORY COMMENTS TO THE APPLICANT

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: 07/01/26

APPLICATION: Request for Street Abandonment Liberty Street

FILE #: MI-26-08 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:

- I. Proposal is a request for abandonment of a portion of the improved street known as Liberty Street located between Martin Luther King Jr Boulevard North and Martin Luther King Jr. Blvd South. This office has no objections

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

- I. This is currently an access area for emergency apparatus for Legislative Hall. This needs to remain emergency access until the new site plan is implemented for the Legislative Hall Addition.

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](#)
Subject: EXTERNAL: Staff Development Advisory Committee Meeting 1 July 2026 DAC
Date: Thursday, July 2, 2026 4:12:54 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 Meeting 1 July

1. AX-26-03 Lands of Johnson at 102 Fox Hall Drive
 1. No Objection to annexation.
3. MI-26-08 Request for Street Abandonment : Liberty Street.
 1. Please allow me to verify that Liberty St is NOT State Maintained ROW. If it is not, I have not objection to abandonment. If it is, there is a process to abandon state ROW that must be started with our ROW section. However, please ensure that the planned facility does not encroach into DeIDOT ROW which is Martin Luther King Drive.

As you pointed out, we have had some reorganization in the department. The new POCs are

Kevin Hickman (Kevin.Hickman@delaware.gov)
Tijah Jones (Tijah.jones@delaware.gov)

Will

Sincerely,

Will T Mobley III, PMP

Division of Economic Development, DELDOT

Interim Kent County Review Coordinator

Phone (302)-760-2409

Will.mobley@delaware.gov

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 7/8/2026

**Dover/Kent
County
Metropolitan
Planning
Organization**

MI-26-08 Request for Street Abandonment: Liberty Street

FILE # MI-26-08 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
Street Abandonment Review

MI-26-08 Request for Street Abandonment: Liberty Street

Dover Kent MPO has no objections to the proposed street abandonment. For further information on the MPO's recommendations for the Legislative Hall building addition, please see the comments provided for Application S-24-19 in November of 2024.¹

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.

¹ "City of Dover, Delaware Planning Commission – Session 1" (Minutes). City of Dover (2024). <https://evogov.s3.us-west-2.amazonaws.com/meetings/27/attachments/17746.pdf#page=80>.



May 26, 2026

Ms. Andria L. Bennett, CMC
City Clerk
City of Dover
15 Loockerman Plaza
Dover, Delaware 19901

RE: **Right-of-way Abandonment Request**
LEGISLATIVE HALL BUILDING ADDITION – LIBERTY STREET
Dover, Delaware
Century Engineering Project No: 24003303.001A

Dear Ms. Bennett:

On behalf of our client, the State of Delaware – OMB/Division of Facilities Management, please accept this letter as a formal request for the City of Dover to begin the process to abandon the public right-of-way (ROW) known as Liberty Street (Road C) associated with the Legislative Hall Building Addition project. The ROW runs south from westbound portion of Martin Luther King Jr. Boulevard through the Capital Complex to the eastbound portion of Martin Luther King Jr. Boulevard. We are seeking to vacate the entirety of this ROW segment. The areas included in this request are depicted on the following enclosures to this application:

1. Exhibits depicting the limits of tax assessment parcel no. 02-05-077.09-05-14.00 (east side of Liberty St), Liberty St and tax assessment parcel no. 02-05-077.09-05-15.00 (west side of Liberty St) as well as a parcel combination/ROW abandonment exhibit (with and without aerial imagery).
2. Legal descriptions to accompany all of the exhibits noted above.

This request is being made to allow for the consolidation of the two (2) main parcels involved in the project into one parcel to accommodate the construction of the Legislative Building addition, as the new building footprint and associated plaza will span across the existing right-of-way.

The right-of-way included in this request is exclusively within the project's property boundaries, and adjacent properties on both sides of the right-of-way are currently owned by the State of Delaware. Under Section 27 of the Dover Charter, it allows the City Council

to “in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto.” The right-of-way proposed for abandonment is located entirely within the project's boundary, and given that the State of Delaware is the sole owner of the parcels that make up the project boundary (tax parcels: 2-05-077.09-05-14.00 and 2-05-077.09-05-15.00), we request that Council not offer them for public or private sale and that they be allowed to be consolidated in the overall master parcel for the project.

Based on previous discussions, it is our understanding that the abandonment procedure begins with a formal request to your office with a copy to the Planning Office. From there the request is added to the Development Advisory Committee and Planning Commission agendas. After being discussed at the Planning Commission, their recommendation will be forwarded to the Council Committee of the Whole Utility Committee for review and then final action by the full City Council.

Please include this request on the July 1, 2026 Development Advisory Committee agenda and subsequent July 20, 2026 Planning Commission agenda, and feel free to contact us with any questions or concerns with this request.

Sincerely,

CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY



Bret Martine, PE, PTOE
Senior Program Manager

cc: Dawn Melson-Williams, City of Dover
Ryan Parker, Century Engineering, LLC
Hasan Almashhadani, Century Engineering, LLC

EXISTING PARCEL CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	R=12.00'	25.95'	N43° 51' 40"E	21.18'
C2	R=169.18'	331.42'	S18° 04' 43"E	280.91'
C3	R=12.00'	25.95'	N80° 01' 06"W	21.18'

LEGEND

EXISTING R/W

R/W

SITE

SITE MAP (NOT TO SCALE)

2-05-077.09-05-13.00
STATE OF DELAWARE
DR T-17-192

2-05-077.09-05-15.00
STATE OF DELAWARE

LIBERTY STREET
60' WIDE R/W

SUBJECT PARCEL

2-05-077.09-05-14.00
STATE OF DELAWARE
DR T17-192

20,044 SQ. FT OR
0.4601 AC +/-

319.45'

N18° 04' 43"W

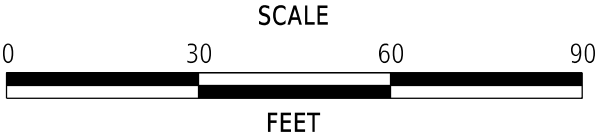
POB

MARTIN LUTHER KING JR. BLVD S
R/W WIDTH VARIES

MARTIN LUTHER KING JR. BLVD N
R/W WIDTH VARIES

2-05-077.10-01-02.00
STATE OF DELAWARE
DR C-14-103

REFER TO CONTRACT #267
REFER TO CONTRACT #1169
REFER TO CONTRACT #1696
REFER TO MAINTENANCE AGREEMENT DATED 8/7/1964



SURVEYORS CERTIFICATION

SURVEY CLASSIFICATION: SUBURBAN

A TITLE REPORT BY A DELAWARE LICENSED ATTORNEY HAS NOT BEEN PERFORMED IN CONJUNCTION WITH THIS SURVEY. I, KENNETH M. REYNOLDS REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE."

KENNETH M. REYNOLDS, DE P.L.S. #740
CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY.
550 BAY ROAD DOVER, DE 19901



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION



P.O. BOX 778
DOVER, DELAWARE 19903

REAL ESTATE SECTION

TO BE COMPLETED BY DELDOT
UPON PROPERTY SETTLEMENT:

DEED RECORD DEED DATE INITIALS PLOT NO.

STATE OF DELAWARE
LANDS OF

XXXXXX
XXXXXXXXXX

EAST DOVER
HUNDRED

02-05-077.09-05-14.00
TAX ASSMT. PAR. NO.

CONTRACT NO.

LEGISLATIVE HALL BUILDING ADDITION - RW EXHIBITS
PROJECT TITLE

CONTRACT PARCEL NO.

T17-192
DEED RECORD

10/13/1946
DEED DATE

SCALE: 1 INCH = 30 FEET

FULL SIZE DWG. IS 17" x 22"
FOR 8 1/2" x 11" COPIES SCALE X 2

AREA OF

REVISIONS:

DRAWN BY
GO@CE

DATE 05/05/2026

SHEET NO.
1 OF 1

CEI. DWG. NO.
24003303.001A
DEDOT BORDER 1722P V2

DELDOT PLOT N 53

LEGEND

EXISTING R/W

PROPOSED R/W

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	R=169.18'	34.23'	S43° 50' 15"W	34.17'
C2	R=169.18'	52.02'	S83° 00' 28"E	51.82'
C3	R=12.00'	25.95'	S43° 51' 40"W	21.18'
C4	R=12.00'	25.95'	S80° 01' 06"E	21.18'

SITE

SITE MAP (NOT TO SCALE)

MARTIN LUTHER KING JR. BLVD N
R/W WIDTH VARIES

N71° 43' 54"E
31.76'

319.45'

S18° 04' 43"E

260.99'

LIBERTY STREET
60' WIDE R/W
19,186 SQ. FT OR
0.4405 AC +/-

2-05-077.09-05-14.00
STATE OF DELAWARE
DR T-17-192

2-05-077.09-05-15.00
STATE OF DELAWARE

REFER TO CONTRACT #267
REFER TO CONTRACT #1169
REFER TO CONTRACT #1696
REFER TO MAINTENANCE AGREEMENT DATED 8/7/1964

MARTIN LUTHER KING JR. BLVD S
R/W WIDTH VARIES

SURVEYORS CERTIFICATION

SURVEY CLASSIFICATION: SUBURBAN

A TITLE REPORT BY A DELAWARE LICENSED ATTORNEY HAS NOT BEEN PERFORMED IN CONJUNCTION WITH THIS SURVEY. I, KENNETH M. REYNOLDS REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE."

KENNETH M. REYNOLDS, DE P.L.S. #740
CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY.
550 BAY ROAD DOVER, DE 19901



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION



P.O. BOX 778
DOVER, DELAWARE 19903

REAL ESTATE SECTION

TO BE COMPLETED BY DELDOT
UPON PROPERTY SETTLEMENT:

DEED RECORD		DEED DATE	INITIALS	PLOT NO.
STATE OF DELAWARE				
LANDS OF				
XXXXXX XXXXXXXXXX	EAST DOVER HUNDRED	CITY OF DOVER RIGHT-OF-WAY TAX ASSMT. PAR. NO.		
CONTRACT NO.	LEGISLATIVE HALL BUILDING ADDITION – RW EXHIBITS PROJECT TITLE			
CONTRACT PARCEL NO.	DEED RECORD	DEED DATE		
SCALE: 1 INCH = <u>30</u> FEET		FULL SIZE DWG. IS 17" x 22" FOR 8 1/2" x 11" COPIES SCALE x 2		AREA OF

REVISIONS:

DRAWN BY
GO@CE

DATE 05/05/2026

SHEET NO.
1 OF 1

CEI. DWG. NO.
24003303.001A
DEDOT BORDER 17x22P V2

DELDOT PLOT N 54

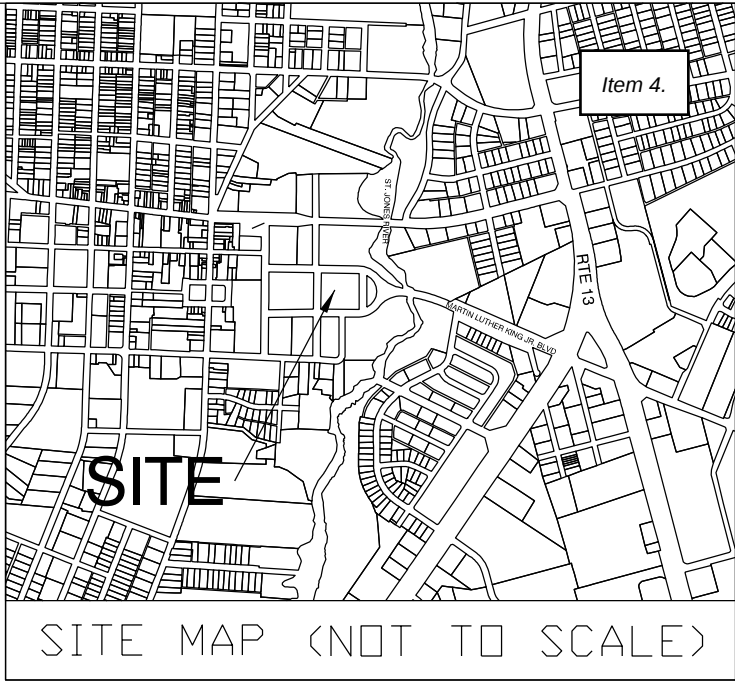
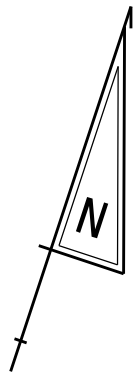
LEGEND

EXISTING R/W

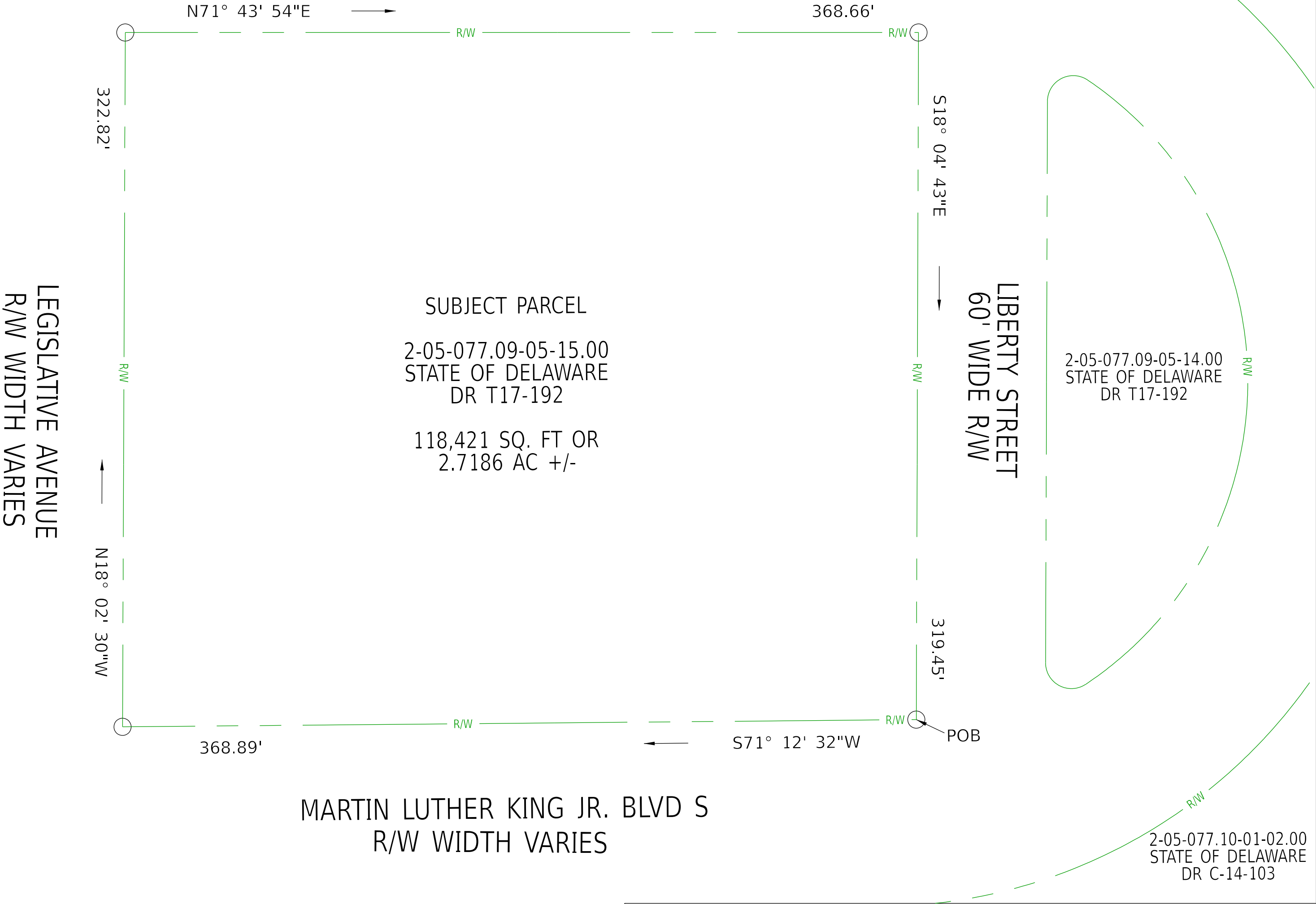
R/W

REFER TO CONTRACT #267
REFER TO CONTRACT #1169
REFER TO CONTRACT #1696
REFER TO MAINTENANCE AGREEMENT DATED 8/7/1964

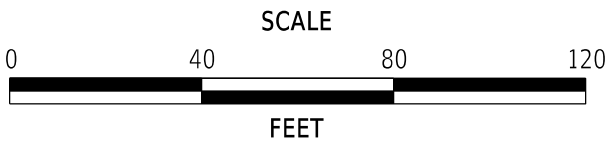
2-05-077.09-05-13.00
STATE OF DELAWARE
DR T-17-192



MARTIN LUTHER KING JR. BLVD N
R/W WIDTH VARIES



MARTIN LUTHER KING JR. BLVD S
R/W WIDTH VARIES



SURVEYORS CERTIFICATION

SURVEY CLASSIFICATION: SUBURBAN

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KENNETH M. REYNOLDS, DE P.L.S. #740
CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY.
550 BAY ROAD DOVER, DE 19901

TO BE COMPLETED BY DELDOT UPON PROPERTY SETTLEMENT:				
	DEED RECORD	DEED DATE	INITIALS	PLOT NO.
STATE OF DELAWARE				
LANDS OF				
XXXXXX XXXXXXXXXX	EAST DOVER HUNDRED	02-05-077.09-05-15.00 TAX ASSMT. PAR. NO.		
CONTRACT NO.	LEGISLATIVE HALL BUILDING ADDITION - RW EXHIBITS PROJECT TITLE			
CONTRACT PARCEL NO.	XXX-XXX DEED RECORD	XX/XX/XXXX DEED DATE		
SCALE: 1 INCH = 40 FEET		FULL SIZE DWG. IS 17" x 22" FOR 8 1/2" x 11" COPIES SCALE X 2		AREA OF



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

P.O. BOX 778
DOVER, DELAWARE 19903

REAL ESTATE SECTION



REVISIONS:

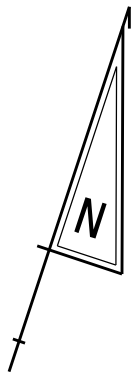
EXISTING PARCEL CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	R=169.18'	417.67'	S21° 05' 30"E	319.39'

REFER TO CONTRACT #267
REFER TO CONTRACT #1169
REFER TO CONTRACT #1696
REFER TO MAINTENANCE AGREEMENT DATED 8/7/1964

LEGEND

EXISTING R/W

R/W



SITE

SITE MAP (NOT TO SCALE)

MARTIN LUTHER KING JR. BLVD N
R/W WIDTH VARIES

N71° 43' 54"E

400.41'

322.82'

2-05-077.09-05-14.00
2-05-077.09-05-15.00
STATE OF DELAWARE

157,652 SQ. FT OR
3.6192 AC +/-

LEGISLATIVE AVENUE
R/W WIDTH VARIES

N18° 02' 30"W

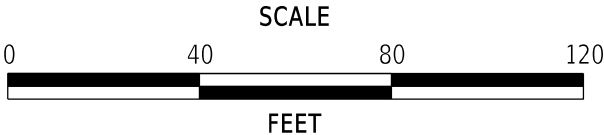
417.44'

S71° 12' 32"W

POB

MARTIN LUTHER KING JR. BLVD S
R/W WIDTH VARIES

2-05-077.10-01-02.00
STATE OF DELAWARE
DR C-14-103



SURVEYORS CERTIFICATION

SURVEY CLASSIFICATION: SUBURBAN

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CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY.
550 BAY ROAD DOVER, DE 19901

TO BE COMPLETED BY DELDOT
UPON PROPERTY SETTLEMENT:

DEED RECORD DEED DATE INITIALS PLOT NO.

STATE OF DELAWARE
LANDS OF

XXXXXX XXXXXXXXXX	EAST DOVER HUNDRED	02-05-077.09-05-14.00 & 02-05-077.09-05-15.00 TAX ASSMT. PAR. NO.
CONTRACT NO.	LEGISLATIVE HALL BUILDING ADDITION - RW EXHIBITS PROJECT TITLE	
CONTRACT PARCEL NO.	XXX-XXX DEED RECORD	XX/XX/XXXX DEED DATE
SCALE: 1 INCH = 40 FEET FULL SIZE DWG. IS 17" x 22" FOR 8 1/2" x 11" COPIES SCALE X 2		AREA OF



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION



P.O. BOX 778
DOVER, DELAWARE 19903

REAL ESTATE SECTION

REVISIONS:

DRAWN BY
GO@CE

DATE 05/05/2026

SHEET NO.
1 OF 1

CEI. DWG. NO.
24003303.001A
DEDOT BORDER 17x22P V2

DELDOT PLOT N 56

EXISTING PARCEL CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	R=169.18'	417.67'	S21° 05' 30"E	319.39'

REFER TO CONTRACT #267
REFER TO CONTRACT #1169
REFER TO CONTRACT #1696
REFER TO MAINTENANCE AGREEMENT DATED 8/7/1964

LEGEND

EXISTING R/W

R/W

2-05-077.09-05-13.00
STATE OF DELAWARE
DR T-17-192

SITE

SITE MAP (NOT TO SCALE)

MARTIN LUTHER KING JR. BLVD N
R/W WIDTH VARIES

N71° 43' 54"E

400.41'

2-05-077.09-05-14.00
2-05-077.09-05-15.00
STATE OF DELAWARE

157,652 SQ. FT OR
3.6192 AC +/-

LIBERTY STREET - TO BE VACATED

C1

POB

S71° 12' 32"W

MARTIN LUTHER KING JR. BLVD S
R/W WIDTH VARIES

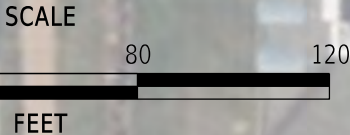
2-05-077.10-01-02.00
STATE OF DELAWARE
DR C-14-103

322.82'

N18° 02' 30"W

417.44'

LEGISLATIVE AVENUE
R/W WIDTH VARIES



SURVEYORS CERTIFICATION

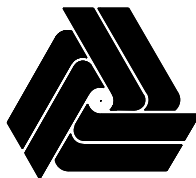
SURVEY CLASSIFICATION: SUBURBAN

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550 BAY ROAD DOVER, DE 19901



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION



P.O. BOX 778
DOVER, DELAWARE 19903

REAL ESTATE SECTION

TO BE COMPLETED BY DELDOT
UPON PROPERTY SETTLEMENT:

DEED RECORD DEED DATE INITIALS PLOT NO.

STATE OF DELAWARE
LANDS OF

XXXXXX
XXXXXXXXXX

EAST DOVER
HUNDRED

02-05-077.09-05-14.00 &
02-05-077.09-05-15.00
TAX ASSMT. PAR. NO.

CONTRACT NO.

LEGISLATIVE HALL BUILDING ADDITION - RW EXHIBITS
PROJECT TITLE

CONTRACT PARCEL NO.

XXX-XXX
DEED RECORD

XX/XX/XXXX
DEED DATE

SCALE: 1 INCH = 40 FEET

FULL SIZE DWG. IS 17" x 22"
FOR 8 1/2" x 11" COPIES SCALE X 2

AREA OF

DRAWN BY
GO@CE

DATE 05/05/2026

SHEET NO.
1 OF 1

CEI. DWG. NO.
24003303.001A
DEDOT BORDER 1722P V2

DELDOT PLOT N 57

CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY
550 Bay Road
Dover, Delaware 19901

TAX PARCEL: 2-05-077.09-05-14.00

OWNERS: State of Delaware

Original Parcel

ALL that certain lot, piece or parcel of land, situated in the City of Dover, East Dover Hundred, Kent County and State of Delaware, lying at the intersection of Martin Luther King Jr. Boulevard, Martin Luther King Jr. Boulevard N. and Martin Luther King Jr. Boulevard S. (S67 at varied width) and Liberty Street (at 60' wide); being bounded on the north by said Martin Luther King Jr. Boulevard N., on the east by said Martin Luther King Jr. Boulevard, on the south by said Martin Luther King Jr. Boulevard S. and on the west by said Liberty Street; and being more particularly bounded and described as shown on a recent survey by Century Engineering, LLC, a Kleinfelder Company, dated May 24, 2026 as follows, to-wit:

BEGINNING at a point on the northerly end of 12.00' radius junction curve joining the northerly Right-of-Way line of said Martin Luther King Jr. Boulevard S. with the easterly Right-of-Way line of said Liberty Street.

Thence, from the **Point and Place of Beginning**, running along the said easterly Right-of-Way line of Liberty Street, N 18° 04' 43" W, a distance of 260.99 feet to a point being the southerly end of a 12.00' radius junction curve joining said of easterly Right-of-Way line of Liberty Street with the southerly Right-of-Way line of said Martin Luther King Jr. Boulevard N.; thence, along said 12.00' radius curve to the right, said curve having an arc distance of 25.95', a chord bearing of N 43°51'40" E and a chord distance of 21.18' to the southwesterly Right-of-Way line of said Martin Luther King Jr. Boulevard N.; thence, continuing along said southwesterly Right-of-Way line of Martin Luther King Jr. Boulevard N., along a 169.18' radius curve to the right, said curve having an arc distance of 331.42', a chord bearing of S 18° 04' 43" E, and a chord distance of 280.91 feet to the southeasterly end of aforementioned 12.00' radius junction curve joining said northerly Right-of-Way line of Martin Luther King Jr. Boulevard S. with the said easterly Right-of-Way line of Liberty Street; thence, thereby, along said 12.00' radius junction curve to the right, said curve having an arc distance of 25.95', a chord bearing of N 80°01'06" W and a chord distance of 21.18' to the **Point and Place of Beginning** and containing 20,044 +/- square feet or 0.4601 +/- acres of land be the same more or less.

CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY
550 Bay Road
Dover, Delaware 19901

TAX PARCEL: Liberty Street

OWNERS: State of Delaware

Original Parcel

ALL that certain lot, piece or parcel of land, situated in the City of Dover, East Dover Hundred, Kent County and State of Delaware, being known as “Liberty Street”, being bounded on the north by Martin Luther King Jr. Boulevard N., on the east by lands now or formerly of the State of Delaware (Tax parcel #2-05-077.09-05-14.00), on the south by Martin Luther King Jr. Boulevard S. and on the west by lands now or formerly of the State of Delaware (Tax parcel #2-05-077.09-05-15.00); and being more particularly bounded and described as shown on a recent survey by Century Engineering, LLC, a Kleinfelder Company, dated May 24, 2026 as follows, to-wit:

BEGINNING at a point on the southeasterly end of 12.00’ radius junction curve joining the northerly Right-of-Way line of said Martin Luther King Jr. Boulevard S. with the easterly Right-of-Way line of said Liberty Street.

Thence, from the **Point and Place of Beginning**, running along the northerly determined boundary of said Martin Luther King Jr. Boulevard S, along a 169.18’ radius curve to the right, said curve having an arc distance of 34.23’, a chord bearing of S 43° 50’ 15” W, and a chord distance of 34.17’ to point; thence continuing along the determined northerly boundary of Martin Luther King Jr. Boulevard S, S 71° 12’ 32” W, a distance of 48.55’ to a point, the southwest corner of lands now or formerly of the State of Delaware (Tax parcel #2-05-077.09-05-15.00); thence running along said lands and the westerly Right-of-Way line of said Liberty Street, N 18° 04’ 43” W, a distance of 319.45’ to a point, another corner of said lands; thence turning right and running along the southerly determined boundary of said Martin Luther King Jr. Boulevard N, N 71° 43’ 54” E, a distance of 31.76’ to a point of curvature; thence along a 169.18’ radius curve to the right, said curve having an arc distance of 52.02’, a chord bearing of S 83° 00’ 28” E, and a chord distance of 51.82’, to a point on the northeasterly end of a 12.00’ radius junction curve, said curve being on the easterly Right-of-Way line of said Liberty Street and on a corner of said lands now or formerly of the State of Delaware (Tax parcel #2-05-077.09-05-14.00); thence following with said lands and along said easterly Right-of-Way line of Liberty Street, along said 12.00’ radius junction curve to the left, said curve having an arc length of 25.95’, a chord bearing of S 43° 51’ 40” W, and a chord distance of 21.18’; thence continuing with said Right-of-Way and along said lands, S 18° 04’ 43” E, a distance of 260.99’ to a point, said point being the northeasterly end of the aforementioned 12.00’ radius junction curve joining said northerly Right-of-Way line of Martin Luther King Jr. Boulevard S with said easterly Right-of-way line of Liberty Street; thence continuing along said 12.00’ radius junction curve to the left, said curve having an arc distance of 25.95’, a chord bearing of S 80° 01’ 06” E, and a chord distance of 21.18’ to the southeasterly end of said junction curve and **Point and Place of Beginning** and containing 19,186 +/- square feet or 0.4405 +/- acres of land be the same more or less.

CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY
550 Bay Road
Dover, Delaware 19901

TAX PARCEL: 2-05-077.09-05-15.00

OWNERS: State of Delaware

Original Parcel

ALL that certain lot, piece or parcel of land, situated in the City of Dover, East Dover Hundred, Kent County and State of Delaware, lying west of the intersection of Martin Luther King Jr. Boulevard, Martin Luther King Jr. Boulevard N. and Martin Luther King Jr. Boulevard S. (S67 at varied width) and Liberty Street (at 60' wide), being bounded on the north by Martin Luther King Jr. Boulevard N., on the east by Liberty Street, on the south by said Martin Luther King Jr. Boulevard S. and on the west by Legislative Avenue (at varied width); and being more particularly bounded and described as shown on a recent survey by Century Engineering, LLC, a Kleinfelder Company, dated May 24, 2026 as follows, to-wit:

BEGINNING at a point on the intersection of the northerly Right-of-Way line of said Martin Luther King Jr. Boulevard S. with the westerly Right-of-Way line of said Liberty Street.

Thence, from the **Point and Place of Beginning**, running along the northerly Right-of-Way line of said Martin Luther King Jr. Boulevard S., S 71° 12' 32" W, a distance of 368.89 feet to a point being the intersection of the easterly Right-of-Way line of said Legislative Avenue and the northerly Right-of-Way line of said Martin Luther King Jr. Boulevard S.; thence turning and running along the easterly Right-of-Way line of said Legislative Avenue, N 18° 02' 30" W, a distance of 322.82 feet to a point being the intersection of the said easterly Right-of-Way line of Legislative Avenue and the southerly Right-of-Way line of said Martin Luther King Jr. Boulevard N; thence turning and running along said southerly Right-of-Way line of Martin Luther King Jr. Boulevard N, N 71° 43' 54" E, a distance of 368.66 feet to a point being the intersection of said southerly Right-of-Way line of Martin Luther King Jr. Boulevard N and the westerly Right-of-Way line of said Liberty Street; thence running along said westerly Right-of-Way of Liberty Street, S 18° 04' 43" E, a distance of 319.45 feet to the **Point and Place of Beginning** and containing 118,421 +/- square feet or 2.7186 +/- acres of land be the same more or less.

CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY
550 Bay Road
Dover, Delaware 19901

TAX PARCEL: 2-05-077.09-05-14.00, 2-05-077.09-05-15.00, & Liberty Street

OWNERS: State of Delaware

Combined Parcel

ALL that new lot, piece or parcel of land, situated in the City of Dover, East Dover Hundred, Kent County and State of Delaware, lying adjacent to Martin Luther King Jr. Boulevard, Martin Luther King Jr. Boulevard N. and Martin Luther King Jr. Boulevard S. (S67 at varied width) and Legislative Avenue (at varied width), being bounded on the north by Martin Luther King Jr. Boulevard N., on the east by said Martin Luther King Jr. Boulevard, on the south by said Martin Luther King Jr. Boulevard S. and on the west by said Legislative Avenue; and being more particularly bounded and described as shown on a recent survey by Century Engineering, LLC, a Kleinfelder Company, dated May 24, 2026 as follows, to-wit:

BEGINNING at a point on the southerly end of a 169.18' radius curve, said curve running from the southern Right-of-Way line of Martin Luther King Jr. Boulevard N along the westerly Right-of-Way line of Martin Luther King Jr. Boulevard to the northerly Right-of-Way line of Martin Luther King Jr. Boulevard S.

Thence, from the **Point and Place of Beginning**, running along said northerly Right-of-Way line of Martin Luther King Jr. Boulevard S, S 71° 12' 32" W, a distance of 417.44' to a point at the intersection of the easterly Right-of-Way line of Legislative Avenue and said northerly Right-of-Way line of Martin Luther King Jr. Boulevard S; thence turning and running along said easterly Right-of-Way line of Legislative Avenue, N 18° 02' 30" W, a distance of 322.82' to the intersection of said easterly Right-of-Way line of Legislative Avenue and the southerly Right-of-Way line of Martin Luther King Jr. Boulevard N; thence turning and running along said southerly Right-of-Way line of Martin Luther King Jr. Boulevard N, N 71° 43' 54" E, a distance of 400.41' to a point of curvature being the northerly end of the previously mentioned 169.18' radius curve joining the southerly Right-of-Way line of Martin Luther King Jr. Boulevard N, Martin Luther King Jr. Boulevard, and Martin Luther King Jr. Boulevard S.; thence, along said 169.18' radius curve to the right, said curve having an arc distance of 417.67', a chord bearing of S 21° 05' 30" E and a chord distance of 319.39' to the **Point and Place of Beginning** and containing 157,652 +/- square feet or 3.6192 +/- acres of land be the same more or less.

By-Laws of the Planning Commission of the City of Dover

Objectives

Section 1 The objectives and purposes of the Planning Commission of the City of Dover, Delaware, are those set forth in Chapter 7, Title 22 of the Delaware Code annotated, and amendments, supplements, thereto, and those powers and duties delegated to the Planning Commission by the City Council of the City of Dover pursuant to state statute.

Powers, Duties and Procedures

Section 2 The duties, powers and procedures of the Planning Commission be as set forth in the following documents:

- (a) The resolution of the City Council establishing such Planning Commission;
- (b) The Building Zone Ordinance as to matters relating to amendments to site plan approval;
- (c) The Subdivision Regulations as to the review and approval of subdivision plats;
- (d) As to the regulations set forth herein for all other matters for which the Commission has the responsibility.

Officers

Section 3.1 The officers of the Planning Commission shall consist of a Chairman and Vice-Chairman.

Section 3.2 The Chairman shall preside at the meetings and hearings of the Planning Commission and shall have the duties usually conferred upon a presiding officer. He shall continue to exercise the prerogatives of an individual member of the Commission while performing the duties of presiding officer.

Section 3.3 The Vice Chairman shall be the presiding officer in the absence of the Chairman.

Recording and Corresponding Secretary

Section 4 The Commission shall appoint a Secretary who shall not be a member of the Commission or an officer, and shall have the following duties and responsibilities:

- (a) Prepare agenda for all meetings with the Chairman and provide notice of meetings to Commission members.
- (b) Keep minutes of all meetings, and record of the Commission.
- (c) Act as agent for the Commission in receiving submissions, applications, correspondence, etc.
- (d) Act as agent for the Commission in arranging for notice of public hearings and notifying interested parties of Commission actions as authorized by the Commission.

Official Records

Section 5 The City Clerk shall be the official custodian of the records of the Commission and shall make them available to the public as provided by law. He may designate the office of the Secretary of the Commission or the Planning Office as the place where such records shall be kept.

Elections of Officers

Section 6.1 The officers shall be elected by the Commission at the annual organization meeting which shall be the regular scheduled meeting in July of each year. Election of officers shall be held by secret ballot.

Section 6.2 A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one year or until his or her successor shall take office.

Section 6.3 Vacancies in offices shall be filled by the Commission at any scheduled or special meeting.

Section 6.4 The Chairman and Vice Chairman shall be limited to **four** consecutive one-year terms. A former Chairman or Vice Chairman who has held **four** consecutive terms in such position may be elected to that position after vacating the position for a period of one year.

Meetings

Section 7.1 The Commission shall hold one public meeting during each calendar month.

Section 7.2 The monthly meeting date for the coming year shall be established by a majority of the Commission at its organization meeting of the year. The date of the public meeting can be changed during the year by a majority of the Commission

Section 7.3 The Commission will receive all applications concerning matters within its jurisdiction only at its public meetings. All times to be submitted for consideration at any public meeting shall be submitted in complete and final form for Commission consideration not less than thirty days prior to said meeting. No items submitted subsequent to this time shall be placed upon the Agenda except by a majority vote of the Commission members present at such meeting. The official date of receipt of any matter presented to the Commission shall be the date of the first public meeting at which such matter is received for consideration. Any maximum time periods established by the Zoning Ordinance or other local laws limiting the time for consideration of any matter by the Planning Commission shall commence on such date of the receipt.

Section 7.4 A majority of the membership of the Commission shall constitute a quorum. The Commission may act on any matter by a majority vote of such quorum.

Section 7.5 All formal votes to record the decision of the Commission on any matter referred to it shall be taken only by a quorum at a public meeting. By a majority vote of those members present the Commission may convene in executive session. However, all formal votes to record the Commission's decision shall only be taken during periods in which such meetings are open to the public.

Section 7.6 Special meeting may be called by the Chairman or by a majority of the Commission, providing that not less than 24 hours notice by writing or telephone is given to each member of the Commission. Such meetings shall be executive sessions at which no formal votes shall be taken.

Section 7.7 All public and special meetings shall be held in City Hall or other public facility with proper public notification.

Agenda

Section 8 The Secretary shall prepare the proposed Agenda for each public meeting, with the Chairman not less than ten days prior to the date of such meeting, and shall transmit a copy of the Agenda to each Commission member on such date of preparation. No items will appear on such proposed Agenda except those for which applications or written requests have been received not less than thirty days prior to the date of the public monthly meeting as set forth in Section 7 above. The Commission may amend the proposed Agenda by a majority vote of those members present.

Section 9.1 The order of business at public meetings shall be as follows:

- (a) Roll Call.
- (b) Adoption of Minutes of previous meetings.
- (c) Approval of Agenda
- (d) Communications
- (e) Report of Officers and Committees
- (f) Old Business
- (g) New Business
- (h) Referrals, Administrative Reviews, Petitions, Applications and Other Matters presented by the public.

Section 9.2 The order of business at special meetings shall be as determined by the Commission.

Section 9.3 At all meetings and hearings attended by the public, the Chairman shall make a brief statement indicating the nature of each item on the Agenda, except that in the case of petitions, applications and other matters presented by the public, such statement shall be made by the person introducing the matter.

Section 9.4 Minutes of all public and special meetings of the Commission shall form part of the records of the Commission and shall be available to the public when duly adopted by the Commission.

Committees

Section 10.1 There may be a Subdivision Committee appointed by the Chairman with the approval of the Commission at the annual organization meeting. It shall consist of three members who shall serve until the next annual meeting. The Chairman may make appointments to bring the committee to full strength in the event of temporary absence of committee members.

Section 10.2 Other Committees may be appointed by the Chairman from time to time with the approval of the Commission.

Public Hearings

Section 11.1 The Commission shall hold public hearings as required by statute and applicable ordinances of the City. In addition to those required by law, the Commission may at its discretion hold public hearing when it considers that such hearings will be in the public interest.

Amendments

Section 12 These By-Laws may be amended at any time by a majority vote of the entire membership of the Commission.

Adopted September 15, 1959
Amended November 17, 1975
Amended March 16, 1981
Amended March 19, 1981
Amended June 17, 1991
Amended January 25, 1995
Amended April 26, 1995
Amended August 16, 2010
Amended August 20, 2018

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

As part of the Annual Meeting of the Planning Commission, one of the responsibilities of the Planning Commission is to appoint the Architectural Review Oversight Subcommittee. The following excerpt from the *Zoning Ordinance* is provided.

Appendix B: Zoning Ordinance, Article 10 Section 2. Site development plan approval.

2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.

- (A) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.
- (B) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.
- (C) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

At the July 21, 2025 Meeting of the Planning Commission, the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission

- Kathleen Welsh, Planning Commission member
- Kenneth Roach, Planning Commission member
- Mayor or Mayor's designee

The Planning Commission at their July 21, 2025 Meeting also considered the appointment of two Design Professional members to the Subcommittee pending confirmation of their availability. Planning Staff was to report back to the Planning Commission regarding the two individuals listed below and their availability. No other Design Professionals as Alternates were offered.

- Dr. R.J. Chandler, Faculty member of Architecture program at DelTech Community College, Design Professional
- Ms. Sarah Keifer, Director of Planning Services for Kent County, Design Professional

The Planning Commission as part of their Annual Meeting must act to appoint the membership of the Architectural Review Oversight Subcommittee.