

CITY OF DOVER PLANNING COMMISSION
April 20, 2026

The Meeting of the City of Dover Planning Commission was held on Monday, April 20, 2026, at 6:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Vice Chair Mrs. Denney presiding. Members present were Mr. Lewis, Mr. Baldwin, Mrs. Welsh (virtual), Mr. Witham (arrived at 6:58PM), and Mrs. Denney. Mr. Roach, Mrs. Maucher, and Dr. Jones were absent.

Staff members present were Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mrs. Sierra Brown, and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Mr. Lewis moved to approve the Agenda as presented, seconded by Mr. Baldwin and the motion was carried 5-0 by voice vote with Mr. Roach, Mrs. Maucher, Dr. Jones and Mr. Witham absent.

APPROVAL OF MEETING MINUTES OF MARCH 16, 2026

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of March 16, 2026, seconded by Mr. Lewis and the motion was carried 5-0 by voice vote with Mr. Roach, Mrs. Maucher, Dr. Jones and Mr. Witham absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, May 18, 2026 at 7PM in the City Hall Council Chambers. We do have a full Agenda that night, but she thinks that we will stay with the 7PM start time for that meeting.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on March 23 & 24, 2026 and April 13 & 14, 2026.

Mrs. Melson-Williams stated that we are certainly into construction season. There is a pretty steady volume of permits of all shapes and sizes. Just a reminder from our Code Enforcement Staff, the grass is now growing and your maximum height of grass in the City is eight inches. So, please keep that cut.

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:

S-24-05 Lands of Ken Barrett Builders for Office Building at 1413 New Burton Road - Request for Extension of the Planning Commission conditional approval granted on May 20, 2024 for a Site Development Plan Application to permit construction of a one-story 3,026 SF office building and associated site improvements. The property is zoned C-1A (Limited Commercial

Zone) consisting of 0.41 acres. The property is located on the east side of New Burton Road, north of Garton Lane. The owner of record is Ken Barrett Builders LLC. Property Address: 1413 New Burton Road. Tax Parcel: ED-05-085.11-01-01.00-000. Council District 2. *Waiver Requests Approved: Elimination of Upright Curbing and Elimination of Sidewalk.*

Representatives: Mr. Kevin Minnich, Minnich Engineering & Land Planning (virtual)

Mrs. Melson-Williams stated that this Request is in regards to Application S-24-05. This is a Site Plan for the Lands of Ken Barrett Builders for an office building that is proposed at 1413 New Burton Road. If we go forward one slide, this is the plan in general that you reviewed two years ago. At this point, it has achieved Final Site Plan approval from all of the regulatory agencies. What is depicted here on the screen is a minor revision to actually add two additional parking spaces to the plan. The engineer is working with Staff to make those amendments. It is a minor amendment but really what the Planning Commission this evening is charged with is their Request for a one-year extension. According to the *Zoning Ordinance*, you have to have Final Site Plan approval and then have a Building Permit in hand and construction activity occurring and continuing. They have until the end of May to do so unless a request for extension is successful this evening.

Mrs. Melson-Williams stated that she will enter into the record that there was a letter provided to the Planning Commission dated March 24, 2026 that notes that they are in the process of finalizing the project construction documents, meaning the Building Permit. They have not yet made application for the Building Permit and we are working with them to revise this minor parking change for the project.

Mr. Minnich stated that they want to be safe. He knows that Mr. Barrett has the contract to move forward but they want to be safe and make sure that they get everything completed before the Plan expires. That is the main thing in addition to the couple of minor changes. The Fire Marshal has already approved this minor change. He thinks that Mrs. Melson-Williams was given some correspondence to that too. He thinks she was included in on the email. He has to double check with Jared (Kent Conservation District) but he thinks he will be fine with two more parking spaces.

Mr. Lewis moved to approve S-24-05 Lands of Ken Barrett Builders for Office Building at 1413 New Burton Road for a one year extension, seconded by Mr. Baldwin and the motion was carried 5-0 by roll call vote with Mr. Roach, Mrs. Maucher, Dr. Jones, and Mr. Witham absent. Mr. Lewis voting yes. Mr. Baldwin voting yes.

Before his vote, Mr. Reaves stated that he wanted to ask a question before we just made a motion on the extension. He stated that this is for an extension to the Planning Site Plan approval which then if we extend this that means that they don't have a Final Site Plan approval in the future; it just approves a previous Site Plan. Is that correct? Responding to Mr. Reaves, Mrs. Melson-Williams stated that this is in regards to your previous Planning Commission approval for Site Plan S-24-05. They have Final Site Plan approvals from all of the agencies; this allows the extension of that approval process for an additional year to allow them time to start construction on that approved Site Plan.

Mr. Reaves stated that there are going to be changes to the Site Plan, correct? Responding to Mr. Reaves, Mrs. Melson-Williams stated that there are minor changes to add two parking spaces. That is actually being presented on the screen. They are minor in nature and the Planning Staff would be charged with ensuring that all other provisions of the *Zoning Ordinance* remain compliant with that minor change.

Mr. Lewis moved to approve S-24-05 Lands of Ken Barrett Builders for Office Building at 1413 New Burton Road for a one year extension, seconded by Mr. Baldwin and the motion was carried 5-0 by roll call vote with Mr. Roach, Mrs. Maucher, Dr. Jones, and Mr. Witham absent. Mr. Lewis voting yes. Mr. Baldwin voting yes. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mrs. Denney voting yes.

S-24-06 Revised Leander Lakes III Apartments – Request for Extension of the Planning Commission conditional approval granted on May 20, 2024 for a Revision to the Site Development Plan Application S-23-04 for the construction of eight (8) 3-story garden style apartment buildings and 1 (one) 2-story 8 unit building for a total of two hundred (200) units and Active Recreation Areas to be known as Leander Lakes III. The Revised Plan involves the reconfiguration and relocation of the access drive connection to Forrest Avenue for the apartment complex. The parcel with the Access Drive is zoned RM-2 (Medium Density Residence Zone) and partially subject to the COZ-1 (Corridor Overlay Zone). The Apartment Complex project area (future 25-acre parcel) is zoned RM-2 (Medium Density Residence Zone) and partially subject to the COZ-1 (Corridor Overlay Zone) with the balance of this parcel zoned R-10 (One Family Residence Zone) and partially subject to COZ-1 (Commercial Overlay Zone). The property is located on the south side of Forrest Avenue west of Dover High Drive. The owners of record are Leander Lakes IV, LLC (previous owner: Jireh Christian Center) and Calvary Baptist Church of Dover with equitable owner/developer as Leander Lakes III, LLC. Property Addresses: 2161 Forrest Avenue and part of 2285 Forrest Avenue. Tax Parcels: ED-05-075.00-01-05.00-000 and ED-05-075.00-01-06.00-000. Council District 1. Approved *Waiver Request: Elimination of Curbing on Access Drive. This site was granted conditional approval for a 200-unit apartment complex with Site Plan S-23-04 Leander Lakes III by the Planning Commission on February 21, 2023. A Minor Subdivision Plan to create the 25-acre parcel for Leander Lakes III has been approved.*

Representatives: Mr. Jim Eriksen, Solutions IPeM

Mrs. Melson-Williams stated that this is a Site Plan Application for Revised Leander Lakes III Apartments. It was also heard by the Planning Commission back in May of 2024. That version of Leander Lakes III includes a distinct access that comes from Route 8 and then crosses to where the property would be constructing a series of apartment buildings. We are in the final stages of getting to Final Plan Approval. She believes that all of the agency approvals are in place. The project does have a Record Plan that was done and that property line mark that needed to happen previously with it. At this point, the Planning Office is expecting to make the request for their Final Plan submissions so that we can complete that. The applicant outlined their status with this project in a letter dated April 9, 2026. They are anticipating moving forward with site work. We

do have Administrative Building Permits that are awaiting completion of that Final Plan Approval in order to continue their review.

Mr. Eriksen stated he is here on behalf of Leander Lakes III, LLC to request this extension. Staff here has laid out that we are basically at the finish line with this project. We have all engineering approvals in hand; they are just waiting to wrap up the Final Site Plan with Staff. As indicated, they would anticipate that Final Site Plan Approval request to come in the very near future. You can read through the letter that he submitted if you want some of the details as far as specific dates and things like that, but he does want to point out that one thing that significantly impacted the timeline on the engineering of this was the DelDOT Entrance Improvements Design. If you look on the screen, you can see where the site is located and to the west there is the Calvary Baptist Church project. The proposed entrance improvements for this project overlapped with that project. That (church) project started construction he believes in the summer of 2024. When they began their engineering, they looked at that project under construction at that point. He thinks that by late summer they had base pavement down. They decided that the best thing to do to ensure proper alignment and coordination with that entrance design and tie in when we go to build our entrance is to wait for that entrance to be completed before we start our design that way we have actual as-built locations of all of their improvements and all of their utility locations and anything else. So, we waited for that to happen and then we went out and did an as-built of that road and then they started their design which did not start until March 2025 after a pre-submittal meeting with DelDOT. They received approval from DelDOT in November of 2025 so they did get through that process very quickly but they just had to wait to start it which is a big timeline driver. Some of the other engineering agencies will need that in hand before they sign off so some of them got a request for final pending that approval as well. They do have them all in hand. They just need a little bit more time to get everything wrapped up with City Staff.

Mrs. Denney stated that you are far enough along that a year is pretty much a safe bet for this to be done. Responding to Mrs. Denney, Mr. Eriksen stated yes. As long as they just wrap everything up with the City, they will good to go.

Mrs. Welsh move to approve S-24-06 Revised Leander Lakes III Apartment for a one-year extension, seconded by Mr. Lewis and the motion was carried 5-0 by roll call vote with Mr. Roach, Mrs. Maucher, Dr. Jones, and Mr. Witham absent. Mrs. Welsh voting yes. Mr. Lewis voting yes. Mr. Baldwin voting yes. Mr. Reaves voting yes. Mrs. Denney voting yes.

NEW APPLICATIONS

SB-26-01 Lands of Fuller at 7 Nixon Lane: Minor Subdivision Plan - Public Hearing and Review of Minor Subdivision Plan for a parcel of land totaling 41,526 SF+/- (0.9533 acres +/-) located at 7 Nixon Lane to be subdivided into three lots. The property is zoned R-8 (One Family Residence Zone). The property is located on the east side of Nixon Lane slightly north of North Little Creek Road. The property was annexed into the City of Dover on March 9, 2026 (Application AX-26-01). The property owner is Lupe N. Fuller. Property Address: 7 Nixon Lane. Tax Parcel: ED-00-068.19-01-28.00-000 (new tax parcel number to be assigned). Council District 3. *Waiver Request: Elimination of Sidewalk Requirement. For Consideration: Waiver of Cash in Lieu of Active Recreation Construction.*

Representatives: Mr. Don McNeil, Patterson Schwartz Real Estate

Mrs. Melson-Williams stated that this is a Minor Subdivision Plan. The next image on the screen will show us the Plan. This might look a little familiar to people as this is the property at 7 Nixon Lane. It is here this evening for a consideration of a Minor Subdivision Plan. In recent months it was annexed into the City of Dover and the zoning classification is R-8 (One Family Residence Zone). There is an existing one family detached dwelling that is on the lot shown on the right hand side of the image. In the vacant area north of that existing home is where it is proposed to be divided into two additional lots. In total there will be three lots. Lot 1 with the existing house and then Lots 2 and 3 for future development with single family detached houses. The proposed lots comply with the R-8 (One Family Residence Zone) with the minimum lot areas, lot width, and lot depth for these units. These are considered infill lots so there are some requirements for landscaping and features on the front of the house that will have to be taken into consideration. With this application, they are requesting a waiver for the elimination of sidewalks. There are no existing sidewalks along this segment of Nixon Lane and the applicant has made a statement seeking to eliminate that frontage sidewalk citing the lack of sidewalks in the general vicinity. Because this is a residential subdivision for development, it is required to provide Active Recreation Area. Our Code allows for some alternatives to that recognizing the small size of the property and also allows the Planning Commission to make a determination of suitability for such cash donation. That's found in the *Zoning Ordinance*, Article 5 Section 10.171 and it allows that if the Commission determines that construction of recreation is not practical due to the close proximity of available recreation facilities or is unfeasible due to natural characteristics of the land or will not benefit the residents of the development, the Commission shall require a full or partial cash-in-lieu of the areas of donation instead of doing the construction and doing a donation instead. With this application, the applicant was actually asking for a full waiver of the cash-in-lieu of Active Recreation. That was considered by the Council Committee of the Whole for the Active Recreation Area Plan last week. In consideration by that Subcommittee, they made a recommendation that instead, the cash-in-lieu amount should be set at \$750. That is a total amount for these three lots. The *Zoning Ordinance* would basically calculate that cash-in-lieu amount based on an appraisal for construction financing and such appraisal would likely return a cash-in-lieu number much greater than that. But the Committee felt that this was a more reasonable scenario given the small size of the proposed subdivision that we have here. So, the recommendation of that Committee would be setting the cash-in-lieu of Active Recreation Area construction at a payment donation of \$750. That amount when paid goes directly into a Park Land Reserve Fund that is a separate account here at the City that is utilized for making park and playground and other recreational improvements in the City. One of the things that they recognized is the proximity of this location to one of the major parks in the City, the Dover Park. Other requirements for the Subdivision Plan include tree planting. The existing lot where the house is has a number of existing trees and the other two vacant lots would need to have a minimum of nine trees planted in total. The Planning Commission was provided with the Development Advisory Committee Report along with the Active Recreation Plan Review Report that more fully discusses that Cash-in-lieu scenario. Planning Staff is recommending approval of the Minor Subdivision Plan to create these three lots. They also note that the Waiver Request for the elimination of sidewalks that has been proposed and the recommendation on that Cash-in-lieu payment. Attached to the DAC Report are the comments from the various regulatory

agencies including the City's Department of Water/Wastewater and Public Works with comments, the Fire Marshal's Office, DelDOT, and the Kent Conservation District. In this case, if they want to develop individual lots upon approval they need a Residential Standard Plan which is a more simplified process for stormwater management planning for small projects. The Dover/Kent County MPO also provided comments. They encourage the opportunity for sidewalks even though this area is currently void of them.

Mr. McNeil stated that he is representing the owner, Mrs. Fuller and Delaware Heights, the proposed buyer of the land and builder. These recommendations by Council and the Development Advisory Committee are all acceptable. He would say that with the sidewalks, if they were directed to install those two sidewalks, not only would they be the only ones on the street, but we know Nixon Lane had flooding issues in the past. Now we are just taking away more space for water to be absorbed into the earth instead of just having two blocks of concrete which is essentially what they would be out in the front of each house that would connect to nothing. He thinks for overall purposes that the sidewalk waiver should be granted. As far as the Parks and Recreation amount, they agree to the \$750 and they can take care of that.

Mr. Lewis stated that regarding the Cash-in-lieu, he is also on the Committee that recommended the \$750. He thinks this project was the second project that night that was talked about and the \$250 and the \$750 total came from a discussion regarding the first project and that was the four townhouses on the other side of town. Council recognizes that they need to look into that matter more deeply as far as what they consider for Minor Subdivisions and things like that. They acknowledged that it wasn't meant to be for a three or four section development. Responding to Mr. Lewis, Mr. McNeil stated thank you because in essence, all that we are doing is putting the land back to the way that it was originally divided. We are not redoing a Subdivision here. We are simply reinstating lines that existed 20 years ago. So to be considered a Subdivision and pay the Cash-in-lieu was unfortunate; however, it is benefits the Department of Parks and Recreation then they concede and thank you for considering it to be far less than what would have been calculated out.

Mr. Lewis stated that beings that he voted in favor of the amount at that time, he is probably going to vote in favor of the \$750 this time. He just wanted to put in out there that Council recognizes that they may need to make some adjustments in these types of situations.

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

Mr. Lewis moved to approve SB-26-01 Lands of Fuller at 7 Nixon Lane: Minor Subdivision Plan with the elimination of the sidewalk requirement and keeping the \$750 Cash-in-lieu of Active Recreation construction donation as recommended by the Parks & Rec Committee of the Committee of the Whole, seconded by Mrs. Welsh and the motion was carried 5-0 by roll call vote with Mr. Roach, Mrs. Maucher and Dr. Jones absent. Mr. Lewis voting yes. Mr. Witham abstaining since he arrived late. Mr. Baldwin voting yes. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mrs. Denney voting yes

Mr. Witham arrived at 6:58PM during part of the discussion on this application.

S-26-06 Lands of Commerce Way QOZB LLC at 175 Commerce Way - Public Hearing and Review of Site Development Plan Application to permit construction of a 234,000 SF warehouse, parking, and associated site improvements on Commerce Way. The property is zoned IPM (Industrial Park Manufacturing Zone). The property is located on the northwest side of Commerce Way where the road curves to the east. The owner of record is Commerce Way QOZB LLC. Address: 175 Commerce Way. Tax Parcel: ED-05-076.10-02-07.03-000. Council District 2. PLUS #2022-09-05. *Waiver Request: Elimination of Fence Component of Opaque Barrier Requirement. For Consideration: Performance Standards Review Application. This project was previously approved as S-22-14 Commerce Way Warehouse but the plan expired.*

Representatives: Ms. Jennifer Oltman, Kimley-Horn

Mrs. Melson-Williams stated that this is Site Development Plan S-26-06 the Lands of Commerce Way QOZB LLC. The property has an address of 175 Commerce Way. It is currently a vacant lot on the northwest side of Commerce Way as part of the Enterprise Business Park. The image on the screen shows us the proposal for what is a very large warehouse facility. The building is 234,000 SF in size. With that, that carries with it a parking requirement of 293 parking spaces. They are providing at least 300 car parking spaces. With this being a warehouse building, the east side in the darker shading that you see in the middle of the screen is actually a series of loading docks for the building and opposite that, there is a series of truck and trailer parking spaces to serve the building as well. This may look a little familiar to some of the Planning Commission members as it was previously approved as Site Plan S-22-14 back in December of 2022. It actually went through and had full Planning Commission and all agency approvals. It did receive an extension that extended that approval time frame to December 31, 2025, but since they did not move to construction, the plan approval has lapsed necessitating this new application that you have before you this evening. It is basically the same application that was approved previously but we have to treat it like a new application. The IPM (Industrial Park Manufacturing Zone) that it is in is one that would allow for warehousing and the access to this location is one access point from Commerce Way which is an existing street. They are planning to construct sidewalk across the frontage and comply with the other site elements related to lighting and dumpsters. The Staff has granted a partial elimination of curbing waiver. There is a segment of the truck and trailer parking where there are just parking bumpers at the head of those spaces. That is related to the nearby stormwater management facility. The image on the screen shows the location of one of the stormwater management ponds; it is kind of that "L" shape in the upper right hand corner of the image. There is another area on the west side of the building which is the left side of the image. This project also involves property that has woodland on it which will be for the most part retained. That is along the northern boundary of the property and the western boundary of the property. Because this property is adjacent to the apartment complex to the west, it requires an Opaque Barrier requirement. That has two components, first the opaque piece that can either be a fence, wall or berm. They are looking to construct a fence partially along that western property line and then rely more specifically on the landscape component by keeping the existing woodland on that west property line. To the north, she thinks that has been a question of some of the neighbors who are further north along Farmview Drive. There is an open parcel between this property and those housing units. They are retaining for the most part, the wooded area along this northern property line. The next image shows the

Landscape Plan and you can see the shaded area where woodland areas would be retained and then the little circles are the additional tree plantings that project is required to do and that is about 285 trees required on this site. Because this property is in the IPM (Industrial Park Manufacturing Zone), there is a Performance Standards Review requirement and that has been provided by the applicant. There is a letter that goes through the objectionable elements and reflects that this property is not intended to have any of those in how it is being developed. With the project this evening, the Planning Commission is specifically looking at the Site Development Plan. For your consideration, we have their Performance Standards Review Application and the one Waiver Request is a partial elimination of the fence component for the Opaque Barrier. This is focused on that west property area. They are intending to build part of the fence where it does not require them to take down trees to do so. The Development Advisory Committee Report continues with the various agency comments. With this project, some of those agency approvals may still be in hand but they will have to work directly to ensure that the new version continues to comply with those previous approvals.

Ms. Oltman stated that she was the licensed engineer with respect to this project. Mrs. Melson-Williams gave a very good overview on the project and what we are proposing. We would like to reiterate that it is identical to the Application that was previously submitted. We understand that it has expired and so we are looking to submit basically from scratch again. With regard to the waiver, we do intend to provide landscaping to the north buffer to supplement what is there today and the existing greenery does provide that barrier that we feel supports the variance that was granted previously.

Mr. Lewis asked if the applicant could put on the record what the delay was or what went into that. Responding to Mr. Lewis, Ms. Oltman stated the delay was by ownership. They were just looking to find the right tenant just because they were not prepared to build a speculative warehouse and so it was just looking for a tenant for the property.

Mr. Lewis asked if they have found a tenant. Responding to Mr. Lewis, Ms. Oltman stated that to her knowledge, she cannot disclose yes or no but the delay was just looking for the right opportunity for this site.

Mr. Witham asked if they could describe the nature of the foliage that you are going to use in lieu of a fence component. Responding to Mr. Witham, Ms. Oltman stated that the planting plan is a mixture of evergreens and shade trees; she does not have the exact type of tree. The plan is on the screen and it does identify the type of species. It would comply with the Ordinance and would identify trees inter-mixed with other bushes and things so that you do get that barrier. The waiver is only for the northern portion of the site where you currently have significant trees.

Mr. Witham asked if their plan is to maintain that barrier. Responding to Mr. Witham, Ms. Oltman stated yes.

Mrs. Denney opened a public hearing.

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

Mr. Prebula stated that they are the economic organization covering Kent County so they focus

on business attraction and also supporting businesses looking to stay here, grow here, and expand. We are in support of this project. It is a great addition to our County. Part of our role is they submit buildings to our project leads that we get. So what that means is a project or a company will reach out to us, tell us their requirements for a building, and then we will submit properties that meet those requirements. By adding buildings like this and properties like this, it adds to our attractiveness and allows us to supply those much needed properties to businesses to help locate them here and also support businesses to expand here. They ask the Commission to please support this application.

Mrs. Melson-Williams stated that they did receive a written correspondence in regards to this application. We received an email that was provided on the desks this evening of the Planning Commission members and she will read it into the record. It was received on Thursday, April 16, 2026 to the Planning Office. "We, Ted and Kate Drew, own and live at 1236 S. Farmview Drive. Our property is adjacent to this proposed construction. Per the last (undated) letter date from Kimley-Horn in lieu of attending the meeting we are permitted to submit comments about this construction through an email to this address. Therefore, we would like to request that the culvert, easement, tree line and berm between the field and out properties on S. Farmview Drive be left intact. The culvert allows for water to settle away from our homes when heavy rains cause the side culverts to overflow into our front street. The tree line is home to many wildlife species including red foxes, deer, ducks and hawks to name a few. We have physically seen the dens in the brush and enjoyed the antics of foxes and their families in the area for years. The berm keeps water from the fields away from our already overtaxed culvert between the properties. The berm also keeps crop and litter debris from the fields from blowing up against our fences. And lastly the tree line and berm are sound buffers which keep the noise from the existing warehouse to a lessened level. In the past when we had attended a similar meeting regarding potential construction, we were told that the companies do their best to keep already existing tree lines and boundaries in the plan. We hope this is the case for this plan as well. If so, then we should have no objections. Thank you for allowing our comments." It is signed Kate and Ted Drew.

Ms. Oltman stated that as we spoke, you can see on the screen that we are maintaining woods and using them as part of the Opaque Barrier for the northern and eastern side, as well as the western side. We are supplementing with additional landscaping all around this property, so I feel that it definitely complies with their request. Would you tell her exactly where their street is located just so she is understanding correctly? Responding to Ms. Oltman, Mrs. Denney stated that they live at 1236 S. Farmview Drive. If you need a copy of this letter for your records, there are extras on these desks.

Ms. Oltman stated that she thinks they comply with the Drew's demands that we would have additional landscaping that is obviously supplementing what is already there. She doesn't have the existing conditions plan in front of her so she could confirm that tree line but that is the final condition that you are looking at on the screen.

Mrs. Denney closed the public hearing.

Mr. Reaves stated that he has a question for the builders. Based on the comments from the individuals, he didn't really hear the response clearly but he is trying to understand is that request

going to be honored? Responding to Mr. Reaves, Ms. Oltman stated yes, we will. If you take a look at the plans you will see that they are preserving much of the woods that actually exists today and then as they said, actually using that as our Opaque Barrier to the north and supplementing that with additional landscaping around the entire property.

Mr. Reaves questioned if the applicant was going to communicate with the homeowners. Responding to Mr. Reaves, Ms. Oltman stated that if they were permitted to do so, they can absolutely do that.

Mr. Witham moved to approve S-26-06 Lands of Commerce Way QOZB LLC at 175 Commerce Way based upon the DAC Report and the recommendation of the Planning Commission and given the comments and the presentation presented to date and to include the partial elimination of the fence component of the Opaque Barrier as noted by the applicant, seconded by Mr. Lewis.

Mrs. Melson-Williams asked if Planning Staff could confirm that you are also recognizing their Performance Standards Review Application and accepting that as part of the motion. Responding to Mrs. Melson-Williams, Mr. Witham stated yes.

Mr. Witham moved to approve S-26-06 Lands of Commerce Way QOZB LLC at 175 Commerce Way based upon the DAC Report and the recommendation of the Planning Commission and given the comments and the presentation presented to date and to include the partial elimination of the fence component of the Opaque Barrier as noted by the applicant. Also to include the Performance Standards Review Application, seconded by Mr. Lewis and the motion was carried 6-0 by roll call vote with Mr. Roach, Mrs. Maucher, and Dr. Jones absent. Mr. Witham voting yes; for reasons stated in the motion. Mr. Lewis voting yes. Mr. Baldwin voting yes. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mrs. Denney voting yes.

C-26-02 Lands of Bay Village Residential Planned Neighborhood Design - Public Hearing and Review of Conditional Use/Master Plan for a Planned Neighborhood Design Application and Major Subdivision for Bay Village Residential. 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 Planned Neighborhood Design application is for 250 townhouse lots and 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: LC-05-068.00-01-06.00-000. Council District 3. PLUS Review #2024-02-03. *For Consideration: Alternative Design Standards for PND: Lot Width and Lot Area; and Active Recreation Area Plan. Associated Application is MI-26-03 Bay Village Residential Concept Sketch Plan as presented to City Council in February 2026 with referral to the Planning Commission.*

Representatives: Mr. James Taylor, Verdantas; Ms. Ben Kulp, Verdantas

Mrs. Melson-Williams stated that this is the proposal for Bay Village Residential Planned Neighborhood Design. This is a Planned Neighborhood Design option and what you are looking

at this evening will be their Conditional Use Application for that PND and its associated Subdivision. She wants to start with a little bit about this piece of property. It is just over 79 acres of land. It is located on the south side of White Oak Road; opposite the Garrison Oak Business and Technology Center that is located to the north which would be the top of the page here. This property is located on the south side of the road. The property's western boundary which is on the left edge of the plan, is the Little River and its associated tax ditch system. There are nearby wetland areas and also Special Flood Hazard Areas (the 100 Year Floodplain). That is actually depicted on this plan; it's the Existing Conditions Plan. They have mapped the location of the Floodplain as per the FIRM Panel that FEMA issues; however, they will be going through a process for a Conditional Letter of Map Revision related to this property because they have, first off, better information about the property elevation as to where that Floodplain area truly is on the property. It changes the location of that and they are also planning to use some fill as part of their project activities. The center of this property is most recently been in active agricultural production and then the eastern portion on the right-hand side is actually a wooded area. For the most part, they are leaving that wooded area intact. It likewise has some wetland areas which are prohibited from development as well. The next image shows the site overall. You can see in the dark green olive color, the wooded area with this property. You can see a number of the other lines related to some of those floodplain and wetland areas. With this project, they are looking to create a residential subdivision consisting of townhouse units and that is in the street network that you see here. The large lot at the bottom of the page is an area that they are reserving for a future apartment complex development for this location. With the property being zoned RM-2 (Medium Density Residence Zone) it does allow for both of those housing types of uses. Tonight, their Conceptual Plan is really focused on just the proposal for the 250 townhouse units, the associated Active Recreation Areas, stormwater management and that aspect of the property. With a Planned Neighborhood Design, it is not a rezoning of the property. It is just a specialized review process and tonight we are seeing their concept. They will have to return to the Planning Commission with a little bit more of a detailed Preliminary Subdivision Plan should this evening progress in the affirmative manner. The property is also partially subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 2 Primary Wellhead Protection Area that requires protection of wellheads that are within a certain proximity and also has a number of uses that are specifically prohibited. They are in compliance with the uses that they are talking about doing on the site at the present time and the well heads are not immediately adjacent to this property. As noted for the Special Flood Hazard Area, our *Zoning Ordinance* does not allow for development in those areas. They will have to pursue the Conditional Letter of Map Revision. They have made a submission to the City. There is part of that application to FEMA that the City must acknowledge and we will be working to do that with them in the coming weeks. Their project overall is showing a general street layout. It includes streets that have parking areas on certain sides of the street as required. There are alleys that are meant to serve the rear of the townhouses. There is one portion of the project site and that is the series of Lots 1-20 which are the top row on this image that don't back up to a specific alley but back up to White Oak Road. At this point in time, they are not fully compliant with that situation because there are also requirements in our Code that require Rear Emergency Access for townhouse units. Those are met most typically by providing an alley at the rear but for those series of lots, they are still considering how to approach that. In their request, there is potential Waiver Request (for sidewalks) but I believe that the applicant is actually going to comply fully. There is a portion of White Oak Road and the entrance Boulevard A that was not shown with sidewalk but the applicant has indicated that they

will comply and do not need that Waiver Request. They did provide some information on building architecture. Initially, there were images of three-story townhouse units but they have also provided two-story design units. She will let them speak in greater detail to that. With this project, because it's residential there was an Active Recreation Area Plan that was reviewed by the Parks and Rec Committee. It focuses on providing the appropriate amount of Active Recreation Area based on the unit count for the townhouses to be developed in the future with the apartment complex, additional active recreation will be necessary. The active recreation components focus on a series of amenities in a centralized open area that is in the middle of the plan, which includes a basketball half court, pavilion with tables and a walking path through some other areas of walking path that connect up to the northwest. Then in the lower southwest corner, there is a proposed fenced dog park area. Those were reviewed and found to be appropriate for this type of development. They were accepted by the Parks and Rec Committee with reference made to the minor comments that are included in the Active Recreation Area Report. There are some thing things to clarify like sidewalk locations and setback distances for some of those amenities.

One of the things that she does want to point out with the Planned Neighborhood Design is that they are allowed to consider Alternative Design Standards for the development of that particular townhouse unit. They are requesting two different bulk standards related to that other than what our Code outlines and those are related to the lot width. The Code would require a minimum width of 22 feet; they are requesting a lot width of 20 feet. Then regarding lot area, they are looking to set the minimum and average lot area at 1,600 SF where our Code would require 2,200 SF or 2,000 SF as a minimum. Those are particular requests that you will need to act upon this evening. As always, we have included the full Development Advisory Committee Report with the number of comments of the things that will be revised if the project moves forward. Planning Staff is recommending approval of those Alternative Design Standards but we are certainly encouraging them to continue to look at potentially offering a mix of housing unit types and formats. There is potential here for two and three-story units but offering a one-story unit scenario may broaden the accessibility options for housing in this neighborhood. In regards to the Rear Emergency Access, we clearly note that the Lots 1-20 do not currently comply with this rear alley and Rear Emergency Access requirements. There has not been a formal request in that regard. The applicant was continuing to look at the options for that area. We are also very clearly noting their intent to file a Conditional Letter of Map Revision in order to revise the location of the Special Flood Hazard Area on this property. With their additional information about the actual soil elevations there and intent to use some fill on the site. With that, there are also the additional comments from all of our regulatory agencies. She will note that this project has gone through a Traffic Impact Study with DelDOT. They will also be working to coordinate with the City because they City has recently completed a Traffic Impact Study related to the Garrison Oak Business and Technology Center. So the two of those will have to work together as to the types of improvements that are necessary along White Oak Road in this general area.

Mr. Kulp stated that he is with Verdantas and they are here for the 250 townhouse lots. The apartments will come in as a separate entity under a different job number and all. It is not part of this; we are currently only looking at the 250 townhouse lots. As for Lots 1-20, we are looking to make them comply with your rear access in a way, shape, or form whether it be duplexes or the clear space behind the 16 foot use with the fire trail. The architectural plans that were initially

submitted showed a three-story but we are moving forward with a two-story unit on these with no garage; it would be the rear parking pad in the back. Each lot would have two spaces on the rear and with alley access and then any overflow spaces would be out in the roadway as parallel spacing. We look forward to working with everybody's comments and get this Plan moving along.

Mr. Lewis asked how many more units are you able to put in this development with those minimums that Mrs. Melson-Williams went over; the 1,600 SF minimums versus the minimums that exist in the City already? How much more density wise are you getting with your Plan versus if you were following the minimums as they exist right now? Responding to Mr. Lewis, Mr. Taylor stated that they are actually not taking credit for the full density. The request for the Conditional Use and the modifications in the design aspects are more related to the specific unit that is being proposed for this development which is a 20-foot-wide unit. That is really the only piece that we are changing. With a lot depth of 80 feet, we are requesting a lot width of 20 foot. That just puts the minimum at 1,600 SF. We are not necessarily changing the total number; we are not gaining any more.

Mr. Lewis stated that it is more of what the building looks like and not the number of doors. Responding to Mr. Lewis, Mr. Taylor stated yes, exactly.

Mrs. Denney stated that one thing that always concerns her is the fire lane behind a building because if God forbid something happens, you should be able to have equipment there to assist anybody who comes out any door. If you can't put a fire engine behind there or rescue equipment if somebody does manage to want to come out of a window or whatever, we need room behind there. It appears as though in the Plan that you are providing tonight, you are indicating that that will exist. Responding to Mrs. Denney, Mr. Taylor stated yes, right now except for Lots 1-20 which are the ones right along White Oak Road. Right now, they technically have an access from the rear. We are currently will be working with Mrs. Melson-Williams to figure out what is best for those lots. As you can image, it is a little bit of a unique situation of having a major road behind it while the subdivision street is in front of it. We are working to determine what the best route is moving forward. We are not looking for a Waiver from the emergency access, we are just working to try and figure out what is going to be best. In between when we had the DAC Meeting and today, we did look at a couple different options of duplexes, we looked at the 16-foot-wide emergency access which would then also require the fire proofing that is listed in the City's Code. So, there are a couple of different options that we have. We will be back here in front of the Commission for the next plan submission. We are hoping for the June Planning Commission meeting which that would all be flushed out by that point in time and be able to come back to the Commission with an update on that. All of the other lots have rear access alleys which service both the rear access requirements and also the emergency access requirement.

Mr. Witham asked if they were comfortable with all of the recommendations that have been submitted through the DAC comments. Responding to Mr. Witham, Mr. Taylor stated yes, they have reviewed them. A lot of the DAC comments are standard comments. The Planning Commission comments are fairly easy to work with as well. We are absolutely going to work with all of the DAC members to get this completed.

Mr. Witham asked that if they approve this Conditional Use Master Plan tonight, what is the next step in the process that would come before this Commission? Responding to Mr. Witham, Mr. Taylor stated that Mr. Kulp has his work cut out for him to be able to get this resubmitted for the May 1, 2026 filing deadline which would put us before you at the June meeting. A lot of that is addressing most of the Planning Commission comments and adding a little bit more detail. Mrs. Melson-Williams added, it would be a little more of a close up of these recreation areas.

Mr. Reaves stated that he is trying to understand that if they approve this tonight and they don't have the rear access for the Fire Department, is this going to come back before the Commission? Responding to Mr. Reaves, Mrs. Denney stated yes, it will.

Mr. Taylor stated that tonight, the biggest piece that they are looking for approval on is the PND which is the change in the bulk standards for those two pieces. That is really the biggest part of tonight. The next Plan in front of you would be able to keep going through that process. We will be back in front of this Commission to be able to talk further about Lots 1-20 and how that will comply with City Code.

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

Mr. Lewis moved to approve C-26-02 Lands of Bay Village Residential Planned Neighborhood Design acknowledging the Alternative Design Standards for PND of lot width and lot area as well as the Active Recreation Area Plan, seconded by Mr. Witham and the motion was carried 6-0 by roll call vote with Mr. Roach, Mrs. Maucher, and Dr. Jones absent. Mr. Lewis voting yes; he looks forward to seeing the applicant soon. Mr. Baldwin voting yes. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mr. Witham voting yes; based upon the submission and the public comments and questions received today. Mrs. Denny voting yes.

NEW BUSINESS

No items of New Business.

PUBLIC COMMENTS OPPORTUNITY

There was no one wishing to provide comments.

Meeting adjourned at 7:53 PM.

Sincerely,

Kristen Mullaney
Secretary