

CITY OF DOVER PLANNING COMMISSION
February 17, 2026

The Meeting of the City of Dover Planning Commission was held on Tuesday, February 17, 2026, at 6:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chair Mr. Witham presiding. Members present were Mr. Lewis (virtual), Mr. Roach (virtual), Mrs. Maucher, Mrs. Denney, Mr. Baldwin, Dr. Jones, Mr. Reaves (virtual), and Mr. Witham. Mrs. Welsh was absent.

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

APPROVAL OF AGENDA

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

APPROVAL OF MEETING MINUTES OF JANUARY 20, 2026

Dr. Jones moved to approve the Planning Commission Meeting Minutes of January 20, 2026 with any necessary corrections, seconded by Mrs. Maucher and the motion was carried 8-0 by voice vote with Mrs. Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, March 16, 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 January 28, 2026 & February 10, 2026.

Mrs. Melson-Williams stated that she will note that we are currently in the Rental Dwelling Permit time for renewals and also for Public Occupancy Renewals. So, if you are involved in any of that, please make sure you are submitting that information to the City. Coming up in March, as part of the National Flood Insurance Program, the City will have a Community Audit Visit that is scheduled for the second week in March. Staff from DNREC will be visiting us to learn about how we are enforcing our flood plain measures here in the City and providing other assistance for us.

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

AX-26-01 Lands of Fuller at 7 Nixon Ln - Public Hearing and Review for Recommendation to City Council for an Annexation Request and Rezoning Request for a parcel of land totaling 41,526 SF+/- (0.9533 acres +/-) located at 7 Nixon Lane. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed Zoning is R-8 (One Family Residence Zone). The property is located on the east side of Nixon Lane slightly north of North Little Creek Road. The annexation category according to Dover's 2019 *Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use designation is Residential Medium Density. The property owner is Lupe N. Fuller. Property Address: 7 Nixon Lane. Tax Parcel: ED-00-068.19-01-28.00-000. Proposed Council District 3. Ordinance #2025-23. *The First Reading of this Annexation Request was completed on December 8, 2025 by City Council. Public Hearing before the Planning Commission is scheduled for February 17, 2026 and City Council on March 9, 2026.*

Representative: Mr. Don McNeill of Patterson Schwartz; (in audience – Nancy Fuller, property owner)

Mrs. Melson-Williams stated that this application is for an Annexation. It is shown on the screen highlighted in yellow. The address is 7 Nixon Lane and it is just under an acre in size at 0.9533 acres. Currently in the County, it is zoned RS-1 (Residential Single Family Zone). There is an existing single family detached dwelling on the property. They are seeking annexation into the City of Dover and seek a zoning classification of R-8 (One Family Residence Zone). The *Comprehensive Plan* for the City notes this as a Category 1: High Priority Annexation Area with a Land Use Category of Residential Medium Density. This is somewhat in an area of enclave. It is contiguous to lands already in the City which make it eligible for consideration for annexation. With all Annexations, we look at the Land Use Category which is planning for the types of land uses in a particular area. This is identified as Residential Medium Density and the R-8 (One Family Residence Zone) does match up with that Land Use Classification; it is one of the options. Predominantly, the R-8 (One Family Residence Zone) zoning classification is just that for a one family detached dwelling. There are some additional uses through a Conditional Use procedure or accessory uses that are allowed there. So, the existing dwelling is a use that would be allowed to continue. With this property, we can see on the next slide that Nixon Lane is at the bottom of the screen and the house is concentrated on the south end of the parcel and the northern portion is vacant currently. There is some thought to a future subdivision of this tract of land into multiple lots, but in order to pursue that, they first would need to be part of the City of Dover with the City of Dover zoning classification. Planning Staff is recommending approval of the Annexation, recognizing the enclave and that the R-8 (One Family Residence Zone) zoning classification is consistent with other development activity. In the area, there is really a mix of zoning but the uses are predominantly single family detached housing units. With this, the Planning Commission is charged with reviewing this for a recommendation. Since it is a Request for Annexation and then Rezoning, you need to evaluate three factors when looking at that Rezoning: whether the uses are permitted in the proposed change would be compatible with the existing uses and zones in that area; whether adequate public services and infrastructure exist or can be created to serve this area; and whether the proposed change is in accordance with the City's *Comprehensive Plan*. The DAC Report also includes the comments from the Department of Water/Wastewater and Public Works. In this case, it is not currently served by City water or sanitary sewer, but those are available and connections could be made to service the lot. The Fire

Marshal's Office has no particular comments; they provided some advisory comments on making sure address is adequately posted. The other agencies including DelDOT and the Kent Conservation District had no objections to the Annexation as did the Dover Kent County MPO.

Mr. McNeill stated that he is representing Lupe N. Fuller of 7 Nixon Lane.

Mr. Witham asked if Mr. McNeill had a presentation. Responding to Mr. Witham, Mr. McNeill stated no. After reading the Report, he saw that everybody had said that there was no objection.

Mr. Witham asked if he agrees with DAC Comments. Responding to Mr. Witham, Mr. McNeill stated that he did read the DAC Comments and he thought that it was all approved.

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

Dr. Jones moved to recommend approval to City Council for application AX-26-01 Lands of Fuller at 7 Nixon Lane for Annexation as well as Rezoning, based upon the comments from the DAC Report and it seems as though everything is in order, seconded by Mrs. Denney.

Mr. Witham stated that the motion has been moved and seconded that we approve the Annexation. We are saying that it meets the requirements of our 2019 Comprehensive Plan. It meets the criteria for Annexation under that document as well as meeting the requirements in Article 10, Section 5.3 pertaining to the uses being permitted and whether the adequate public services are available and the current changes are in accordance with the City's Comprehensive Plan that would pertain to the zoning. Responding to Mr. Witham, Dr. Jones stated yes, she agrees.

Mrs. Melson-Williams stated that she wants to confirm that the zoning as proposed at R-8 (One Family Residence Zone) is what you are recommending approval for. Responding to Mrs. Melson-Williams, Dr. Jones stated yes.

Dr. Jones moved to recommend approval to City Council for application AX-26-01 Lands of Fuller at 7 Nixon Lane for Annexation as well as Rezoning to R-8 (One Family Residence Zone) based upon the comments from the DAC Report and it seems as though everything is in order, seconded by Mrs. Denney. Dr. Jones voting yes; because it does meet the 2019 Comprehensive Plan design and it is a High Priority Annexation Area and Staff recommends approval. Mr. Reaves voting yes; for reasons previously stated. Mr. Lewis voting yes. Mr. Roach voting yes. Mrs. Denney voting yes; it is in keeping with the Comprehensive Plan, it was a High Priority Area, and the zoning everything fits in place. Mrs. Maucher voting yes; based on DAC comments and recommendations and other comments made. Mr. Baldwin voting yes. Mr. Witham voting yes; based on the submission of the application, the DAC comments and the comments of the Commissioners tonight.

AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels - Public Hearing and Review for Recommendation to City Council for an Annexation Request and Rezoning Request for three parcels of land of 5.12 Acres +/-, 3.15 acres +/-, and 0.48 acres +/- located at 1624 North Little Creek Road and the two parcels to the south.

The main parcel is currently zoned IL – Limited Industrial Zone and RMH – Residential Manufactured Home Zone in Kent County. The other two parcels are currently zoned RMH – Residential Manufactured Home Zone in Kent County. The proposed Zoning for all parcels is IPM (Industrial Park Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The properties are located on the south side of North Little Creek Road and adjacent to State Route 1. The annexation category according to Dover's 2019 *Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use designation is Office and Office Park. The property owner is United Worldwide Express, LLC. Property Addresses: 1624 North Little Creek Rd and two unaddressed parcels. Tax Parcels: ED-00-068.20-01-15.00-000, ED-00-077.00-01-07.00-000, and ED-00-077.00-01-07.01-000. Proposed Council District 2. Ordinance #2025-24. *The First Reading of this Annexation Request was completed on December 8, 2025 by City Council. Public Hearing before the Planning Commission is scheduled for February 17, 2026 and City Council on March 9, 2026.*

Representative: Mr. Richard Sinegar, Scott Engineering

Mrs. Melson-Williams stated that this is Annexation AX-26-02. Shown on the screen in yellow are the three parcels that make up this request. The one at the top is actually addressed as 1624 North Little Creek Road and then there are two unaddressed parcels to its south. The first parcel is 5.12 acres in size, the second one is 3.15 acres, and then the last is 0.48 acres. Currently in the County, they have a mix of zonings including IL (Limited Industrial Zone) in the County and then RMH (Residential Manufactured Home Zone). Their Request for Annexation into the City of Dover is for all three parcels. They are seeking a zoning classification of IPM (Industrial Park Manufacturing Zone) and this property series would fall into the AEOZ (Airport Environs Overlay Zone), specifically in the APZ II (Accident Potential Zone II). The *Comprehensive Plan* identifies this area that is between the Rojan Meadows Subdivision and State Route 1 on the east as an enclave area. It falls into the Category 1: High Priority Annexation Area. The Land Use Category as designated in our *Comprehensive Plan* is the Office and Office Park Land Use Category. Currently, the northernmost parcel does have a type of storage warehouse building on it and the other two lots are vacant of buildings. There is a good bit of woodland and wetland areas found on this property. The next image shows that it is kind of shaded there for the three parcels that we were talking about. The *Comprehensive Plan*, when it talks about the land use of Office and Office Parks really focuses on that Land Use Category as being a type of Employment Center and our Report includes kind of the goals and policies related to Employment Centers. The *Comprehensive Plan* also has that Land Use and Zoning Matrix and for Office and Office Parks. The IPM (Industrial Park Manufacturing Zone) is one of the eligible zoning classifications for the property. We included in our Report, the text of the allowable uses that can occur in the IPM (Industrial Park Manufacturing Zone). Any proposed use once annexed into the City and if selected into the IPM (Industrial Park Manufacturing Zone) would be subject to these allowable uses and also the provisions of the AEOZ (Airport Environs Overlay Zone) that may also have some land use compatibility that may limit future uses. The reason for their Annexation was identified as future redevelopment. They are looking at a mini-storage building project. At this point in time, we are not considering future redevelopment of the site, just whether annexation and zoning into the City of Dover is appropriate. Staff is recommending Annexation of the three properties into the City, finding that the IPM (Industrial Park Manufacturing Zone) zoning district is appropriate given that *Comprehensive Plan* strategy for

this area. Any redevelopment would be subject to other applications. Because this involves a Rezoning, again, there are the three factors that the Planning Commission needs to consider. Whether the uses permitted by the proposed change are compatible with the existing uses in the general area, whether adequate public services and infrastructure exists or can be created, and then whether the proposed change is in accordance with the City's *Comprehensive Plan*. She will note that one of the Advisory Comments that the Planning Office is providing is that this area is the current location of a partial interchange with State Route 1 and Route 8, (the North Little Creek Road) in this area. There have been a number of studies that have looked at potential expansion of that interchange or road network are to allow additional access to State Route 1 and those related improvements are related to freight movement especially in the eastern part of the City. We note at least three studies that have mentioned this. Those similar comments also came from the Dover/Kent County MPO regarding this property area. We just want to make sure the property owner is aware of those studies and potential options for what may happen in this area in the future. The Development Advisory Committee Report continues with the comments from the other agencies. She will note that the one building is served by City of Dover Electric but of course with any expansion electric service needs would have to be further evaluated. From the water perspective, the three parcels are not served by City Water. There is City water availability that could serve these parcels. When it comes to sanitary sewer, these properties are not currently served by City sanitary sewer and that Department has identified that the likely purveyor for that utility service would need to be the Kent County Public Works Department because of what they have as infrastructure in this area is more readily available then what the City could even attempt to provide. The Fire Marshal's Office provided comments and some notes about the existing building on the site should it come into the City, there will be some things that they will have to take care of. DelDOT has no objection to the Annexation and Rezoning as does the Kent Conservation District. Then as noted, the Dover/Kent County MPO has provided some information about the series of studies that are looking at potential improvements in this area. None of those are for projects that are moving forward at this point; it is just studies and options for improvements.

Mr. Sinegar stated that he represents the client. They went to the DAC Meeting, reviewed all of the comments and they are good with all of the comments that were addressed at that meeting.

Mr. Witham stated that he thinks the applicant requested an IPM (Industrial Park Manufacturing Zone) and he thinks the priority for this area, and this is of course is a High Priority Annexation Area, would be for Office or Office Park. Isn't the IPM (Industrial Park Manufacturing Zone) a little more of an intensive zone? Responding to Mr. Witham, Mrs. Melson-Williams stated that in two parts, yes, it does allow for Office and Office Parks but it does allow for a number of other use type activities that are likely more intense than that but it is an eligible type of zoning for the property. If you agree with that zoning, you can certainly put that forward. If you feel something else is more appropriate, you would have to make that recommendation and clearly state your reasons for doing so.

Dr. Jones stated that the matter of the sanitary sewer is still up in the air. When is that addressed? Will it be with the Site Application? Responding to Dr. Jones, Mrs. Melson-Williams stated that the sanitary sewer will come into play with any redevelopment of the project site or should the existing facility fail for some reason. She believes it is currently on a septic system; so, if for

some reason that septic system would fail then likely they would not receive a Permit from DNREC to improve or make those repairs to that septic system and would likely have to connect to sanitary sewer. We do have the Director of Water/Wastewater here, Mr. Jason Lyon, that can speak a little bit more clearly probably to the availability of sanitary sewer in this area, what our current status is and the reasoning for noting that the County may be the better purveyor of that service.

Mr. Lyon stated that Mrs. Melson-Williams hit it on the head. It would come into play most likely with site development. The adjacent property to the west is Rojan Meadows which is a County District. They have sewer infrastructure butted out to this property; so, it seemed to be the most reasonable connection. So we would just partner with the County on that as the project would come to fruition.

Mr. Reaves asked if there was any specific comment made by Dover Air Force Base. Responding to Mr. Reaves, Mrs. Melson-Williams stated that the Dover Air Force Base did participate in our Development Advisory Committee Meetings and recognized that this area is within the AEOZ (Airport Environs Overlay Zone). That does carry with it a number of limitations when it comes to redevelopment and they likely at this point would just be noting that it should be placed in that AEOZ (Airport Environs Overlay Zone) which is what Staff has recommended as well.

Mr. Reaves further asked if whatever type of industrial manufacturing that they want to put in this location, is that going to come across the Planning Commission. Responding to Mr. Reaves, Mrs. Melson-Williams stated that any redevelopment of the property if it meets the threshold test for review by the Planning Commission will appear before you. In this case, if it were annexed into the City it would be adjacent to residentially zoned properties. Site Plan review with the Planning Commission would be triggered if they were doing site disturbance of more than 2,500 SF. That's not very much on a property of this size to trigger the full Planning Commission review process.

Mr. Reaves stated that his concern is that in the document it references facilities like the Heinz Factory or anything like that. His concern is that any large industrial manufacturing plant that is built could potentially put off some obscurant smoke and that would be a concern for the Air Force Base. That is his concern so understand if something like that is to be built and it interferes with the Base operations, he just wants to understand if that is going to come across the Planning Commission because that would be a serious issue. Responding to Mr. Reaves, Mr. Sinegar stated that it would be addressed if it was going through the Site Plan approval with the Planning Commission. He knows that there is criteria to meet all of that in the AEOZ (Airport Environs Overlay Zone) that you have to meet for the building requirements. That would all be addressed at the time of Site Development.

Mr. Witham stated that he would note that the uses permitted in the IPM (Industrial Park Manufacturing Zone) under mini storage facilities, if that may be the ultimate goal, does provide that there is to be no storage of flammable, explosive, corrosive or other hazardous products to occur in the individual units. So, that would probably partially address that question but may not fully address it.

Mr. Witham opened a public hearing.

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

Mr. Prebula stated that they are the economic development organization for Kent County. We focus on business retention and attraction. These properties along the North Little Creek Road adjacent to the State Route 1 were identified in the Dover/Kent MPO *East West Freight Study* as an essential location for future southbound SR1 Interchange. The Study evaluated freight mobility, industrial access, and long-term infrastructure needs to support economic growth in this corridor. The potential for a southbound interchange in this area is significant, improves access to and from SR1, and would strengthen our freight movement, enhance connectivity to industrial complexes in the area, and will increase our long-term economic competitiveness in this corridor. Access is one of the most critical factors industrial site selection and business expansion users have in their decision making. We simply want to make sure that these findings of the *East West Freight Study* and the potential long-term importance of the interchange are part of the public record as discussions about the land use area continue.

Mr. Witham closed the public hearing.

Mrs. Maucher stated that she would be interested in hearing from the applicant regarding the comments about that interchange and the potential impact on the property if they do decide to go forward in some future date. Responding to Mrs. Maucher, Mr. Sinegar stated that obviously it would have to be addressed. Right now, he knows that it is a study and it's a wish list that may or may not happen but it would be addressed at the time which could be 15 years down the road or 20 years down the road. It would be addressed at that time whether the property needed to be bought from the State or whatever needed to be done for that interchange.

Mrs. Maucher moved to recommend approval to City Council for Application AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels, also that the zoning be changed to IPM (Industrial Park Manufacturing Zone) and also remain in the AEOZ (Airport Environs Overlay Zone). She also moves that the Commission find that the change in zoning is compatible with many of the properties in the area and there appears to be adequate public utilities and infrastructure available to the area and the proposed change is in accordance with the current Comprehensive Plan, seconded by Mrs. Denney and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent. Mrs. Maucher voting yes; based on DAC comments and the applicant's acknowledgement of the comments. Mr. Baldwin voting yes; based on the previous statements. Dr. Jones voting yes; based upon the motion. Mr. Reaves voting yes; based on previously stated comments and the DAC opinions and response from the applicant. Mr. Lewis voting yes. Mr. Roach voting yes. Mrs. Denney voting yes; based on the Planning recommendation as well as the fact that she thinks that the IPM (Industrial Park Manufacturing Zone) out there is a better fit than other things she could think of. And she is also happy that our Chair brought up the Interchange as being a problem so that our record shows that and they acknowledge that right now it isn't but if it happens then they are aware that there is a possibility. Mr. Witham voting yes; this Rezoning is in a High Annexation Category according to our Plan and although the use is a little more intense than Office and Office Park, it's not that intense in the type of things they demonstrated that they could possibly construct that would

certainly be okay within that zone. It also meets the uses of the proposed change and the change is compatible to the surrounding area.

Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road – Public Hearing and Review for Recommendation to City Council of Rezoning Request for the two parcels of land located at 1600 North Little Creek Road consisting of 1.77 acres +/- and the adjacent parcel to the east consisting of 0.52 acres +/- . The properties are zoned C-PO (Commercial and Professional Office Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The proposed Zoning for both properties is IPM (Industrial Park Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone): APZ II - Accident Potential Zone II. The properties are located on the south side of North Little Creek Road between Fairfax Lane and State Route 1. The owner of both parcels is United Worldwide Express, LLC. Property Addresses: 1600 North Little Creek Rd and one unaddressed parcel referenced as 0.509 AC North Little Creek Road. Tax Parcels: ED-05-068.20-01-61.00-000 and ED-05-068.20-01-62.00-000. Council District 2. Ordinance #2026-07. *The First Reading of this Proposed Ordinance was completed on January 28, 2026. Public Hearing before the Planning Commission is scheduled for February 17, 2026 and the Public Hearing before the City Council on March 9, 2026.*

Representative: Mr. Richard Sinegar, Scott Engineering

Mrs. Melson-Williams stated that this is a Request for Rezoning. These two parcels are already within the City of Dover. The one that is addressed is 1600 North Little Creek Road and then its neighboring parcel is the 0.509 acres North Little Creek Road. The one that has the address of 1600 North Little Creek Road previously included a building. The other is the smaller one shown on the screen in yellow adjacent to that and it does not have any existing buildings, hence no real address other than its size. Currently, these are in the City of Dover and they are zoned CPO (Commercial Professional Office Zone) and they are subject to the AEOZ (Airport Environs Overlay Zone): APZ II – Accident Potential Zone II. That is the blue shading that you see on the Zoning Map. It is kind of rectilinear off the end of runways at the Dover Air Force Base but it is part of our *Zoning Ordinance*. They are requesting that these two parcels of land go to the zoning classification of IPM (Industrial Park Manufacturing Zone) and remain subject to the AEOZ (Airport Environs Overlay Zone): APZ II – Accident Potential Zone II. With the two parcels, we already noted that one of them previously did include a building that has since been demolished. These are the two parcels shaded in the darker gray in the upper left corner of this image. The property is adjacent to the Rojan Meadows Subdivision which is under construction now and its east side is the series of three parcels that you just considered for Annexation into the City. With the *Comprehensive Plan* for any Rezoning, we again are looking at the Land Use Categories. This is the Office and Office Park Land Use Category, which the IPM (Industrial Park Manufacturing Zone) is an eligible zoning classification. The CPO (Commercial Professional Office Zone) which is the current zoning of the property also was compliant with that Land Use Category. The *Comprehensive Plan* excerpts were included in your Report and we also included the text of the IPM (Industrial Park Manufacturing Zone) giving the types of uses that would be allowed and prohibited, as well as a reference to the AEOZ (Airport Environs Overlay Zone) which she previously noted includes information that also pertains to zoning of properties in those areas. The Planning Staff is recommending approval of the Rezoning to the IPM (Industrial

Park Manufacturing Zone) finding it compliant with the *Comprehensive Plan* and it would fit that IPM (Industrial Park Manufacturing Zone) description as well. Again, this is just focusing on zoning of the property. Any redevelopment would subject to separate future Site Development Plans before the Commission. The Planning Commission, in looking at a Rezoning as noted, has three factors that you need to evaluate: whether the use is permitted by the proposed change would be compatible to that existing area, whether there is adequate public services and infrastructure to serve or can be created to serve that area, and whether the proposed change is compatible with the City's *Comprehensive Plan*. The Planning Office, again with this application is also providing the advisory comment that this is in the vicinity of what is an existing partial interchange of State Route 1 and Route 8 (which is North Little Creek Road) in this area that has been mentioned in several studies about the expansion of that interchange or road network to address freight movement conditions in the area. There are specifically at least three studies that talk about future potential for transportation improvements. These same comments were referenced in the Dover/Kent County MPO comments received as part of the Development Advisory Committee's Comments. The other Departments really have no objection to the Rezoning of these two parcels here. They may have provided some Advisory Comments related to future development on those sites but that is not one of your considerations tonight. You are looking at Rezoning of this property from CPO (Commercial Professional Office Zone) to IPM (Industrial Park Manufacturing Zone) with the AEOZ (Airport Environs Overlay Zone): APZ II – Accident Potential Zone II remaining in place.

Mr. Sinegar stated that they agree with all of the DAC comments as all of the other parcels that were presented tonight fit into all of this.

Mr. Witham opened the public hearing.

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

Mr. Prebula stated that he would just like to reiterate the comments made to the previous application for this one as well regarding the *East West Freight Study*.

[Mr. Prebula stated that they are the economic development organization for Kent County. We focus on business retention and attraction. These properties along the North Little Creek Road adjacent to the State Route 1 were identified in the Dover/Kent MPO *East West Freight Study* as an essential location for future southbound SR1 Interchange. The Study evaluated freight mobility, industrial access, and long-term infrastructure needs to support economic growth in this corridor. The potential for a southbound interchange in this area is significant, improves access to and from SR1, and would strengthen our freight movement, enhance connectivity to industrial complexes in the area, and will increase our long-term economic competitiveness in this corridor. Access is one of the most critical factors industrial site selection and business expansion users have in their decision making. We simply want to make sure that these findings of the *East West Freight Study* and the potential long-term importance of the interchange are part of the public record as discussions about the land use area continue.]

Mr. Witham closed the public hearing.

Mrs. Maucher moved to recommend approval to City Council for Application Z-26-01 Lands of

United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road from C-PO (Commercial and Professional Office Zone) to IPM (Industrial Park Manufacturing Zone) and retain the AEOZ (Airport Environs Overlay Zone): APZ II – Accident Potential Zone II. She further recommends that we inform City Council that the Rezoning is consistent with the surrounding zonings and sufficient infrastructure exists to service the facilities, and that it's consistent with the Comprehensive Plan, seconded by Dr. Jones and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent. Mrs. Maucher voting yes; based on the DAC Comments and the applicant's acknowledgement and recognition of the comments made regarding the interchange potential. Mr. Baldwin voting yes; based on DAC comments and Staff recommendation. Dr. Jones voting yes; based upon previous statements. Mr. Reaves voting yes. Mr. Lewis voting yes. Mr. Roach voting yes. Mrs. Denney voting yes; based on the recommendations of the Planning Office as well as the DAC. Mr. Witham voting yes; based upon the comments of the Commissioners and the Planning Office as well as the DAC comments.

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road - Public Hearing and Review of a Conditional Use Site Plan Application to permit the construction of one Multiple Dwelling-Unit (Apartment) Building as a three-story 59,313 SF building with 54 apartment units and associated site improvements. The proposed Apartment building requires Conditional Use review in the C-4 zoning district. Previously, three existing lots were consolidated into one parcel of total 3.302 +/- acres and are zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road at the intersection with Lafferty Lane. The owner of record is Patel Hospitality Properties, LLC. Property Address: 1100 Bay Road. Tax Parcel Number: ED-05-086.00-01-20.00-000. Council District 2. *For Consideration: Active Recreation Plan. Previous Application C-21-04 Bay Pointe Apartments (One-Building Concept) was approved by the Planning Commission in May 2021 and an Extension in May 2023 with Final Plan Approval of June 27, 2023; the plan has expired.*

Representative: Mr. Douglas Berry, Pennoni and Associates; Mr. Dominic Balascio (virtual) representing the property owner

Mrs. Melson-Williams stated that this is C-26-01 for Bay Pointe Apartments project. This is a concept for one apartment building on the property. It is zoned C-4 (Highway Commercial Zone) and the apartment use requires a Conditional Use approval. So, a Conditional Use Site Plan is brought to the Commission this evening. This may look somewhat familiar in that it previously was a project that was approved under application C-21-04 for an apartment building of 54 units. This uses basically the same plan. It is an apartment building of 54 units. It is a mix of one and two bedrooms that is proposed. It does meet the parking requirements for apartment units. This evening, in addition to addressing the Conditional Use Site Plan, you are also considering the Active Recreation Area for this project. The Active Recreation Area Plan shown on the screen was presented to Council's Parks, Recreation, and Community Enhancement Committee last week. With this apartment project, they are required to have a minimum of 10,000 SF of active recreation. They are providing 13,390 SF. It is concentrated in an area on the northern end of the parcel which is on the right hand side. As you can see, there are images of the various amenities. There is a pavilion gazebo with some picnic tables surrounding it. There is a series of outdoor fitness stations, a sand volleyball court, and a structure that would allow for canoe and kayak

storage so that wouldn't have to live with you in your apartment. Additionally, this area is connected via sidewalk over to the building and also to the multi-use path that is along the frontage of this property as proposed. They also are proposing an area of covered bicycle parking. This Active Recreation Plan was recommended by the Council Committee. There are some minor comments about ensuring accessibility to a couple of the amenities. This met one of the exceptions for small developments in how the parks and the active recreation area calculation are made. They have to provide a minimum of 150 SF of active recreation area and are doing so in this presentation. Looking at the other aspects of the site, the site entrance is opposite the current location that is signalized there for Lafferty Lane and its connection to Bay Road. The project has a DelDOT Entrance Plan Approval that is currently valid for that entrance. Once you come on the site and circle the building that meets the fire lane and rear emergency access provisions for such apartment building. We are looking at a three story apartment building here. The parking surrounds it and there is the necessary lighting and dumpster enclosures. If we go forward two slides, we can see information on both the underground stormwater management, that's the kind of colored gridded area that you see and then also the tree planting requirements for the site. There is a 30 foot buffer along Bay Road that they are implementing as part of this. The Planning Staff did provide some general comments on the plan set itself, as did all of our other agency reviewers. They will have to ensure that current approvals are in place from those agencies as some of the State agencies, i.e. DelDOT and the Kent Conservation District may still have approvals that are still alive from that previous Plan from 2021. She will note that Plan C-21-04 did make it through and had Final Plan Approval in place. There was an Administrative Building Permit that allowed for commencement of the site entrance; however, construction activity did not continue and has since lapsed. So, the previous approval expired, hence their reappearance before the Commission this evening.

Mr. Berry stated that he just wanted to reiterate that this project was approved by the City and in 2023 it did start construction. It has since expired so the project has been resubmitted. The plans are exactly the same thing that was approved by the City a couple of years ago. We still have active approvals from DelDOT with the Entrance Plan and the traffic signal improvements. We have active approvals from the Kent Conservation District and DNREC. Once we attended the DAC Meeting, we agreed to address all of those comments and we look forward to submitting final plans for approval and this time we will go to construction.

Mr. Witham stated that he said these were the same plans. Is there any significant difference from the plans in 2023 and the plans from 2026? Responding to Mr. Witham, Mr. Berry stated no, these plans that were submitted were the approved plans with the date changed. So everything on them is the exact same, there are no changes whatsoever.

Mr. Witham asked if the applicant could disclose the reason why they did not go forward. Responding to Mr. Witham, Mr. Berry stated that he thinks the owner submitted a letter to the Planning Department.

Mrs. Melson-Williams stated that the question of why it didn't move forward was asked with the Parks and Recreation Committee review. The application's representative at that point identified that it was coming out of COVID and some of the related financing opportunities just weren't there to keep the project moving forward.

Mrs. Maucher stated that the City is going to provide water and the County will provide sewer. Will the County bill quarterly for sewer services since there is no tie-in between the City water meter and sewer or is there an agreement between the two? Responding to Mrs. Maucher, Mr. Lyon stated that he does not have that answer but she is right, the water would be billed monthly by the City to the property owner. He can certainly find that answer out for you.

Mrs. Maucher stated that she was just curious and doesn't think that the fate of the application is dependent on it.

Mrs. Melson-Williams stated that another representative of the application, Mr. Dominic Balascio has joined us online. She doesn't know if he has any other comments on behalf of the applicant before you move onto the public hearing.

Mr. Balascio stated that he had no further comments at this time.

Mr. Witham opened the public hearing.

Mr. Bobby Wilson – 32 W Loockerman Street, Suite 101D Dover, DE 19901

Mr. Wilson stated that his question to the applicant is how will the project enhance the economic development in the community when it comes to jobs and contracts for the minority community. Responding to Mr. Wilson, Mr. Balascio stated that the apartment is designed so that members of the military, particularly the Dover Air Force Base can stay there and also first responders like firefighters can live there. We are also coordinating to have troopers from the Delaware State Police and then other people that work for the surrounding hospital, nurses, doctors, and other supporting health professionals. We do believe that collectively this will provide housing for various people in the workforce.

Mr. Wilson stated that when it comes to jobs in the economic development and contracts for minority contractors, how will you address that? Responding to Mr. Wilson, Mr. Balascio stated that all of the bids for the work related to this project will be put out and they will be publicly bid like every other project.

Mr. Wilson asked if there will be any goals or any set asides for minority contractors to participate on the project? Responding to Mr. Wilson, Mr. Balascio stated that we will generally take and provide the bids open to the public as we go through the bidding process that people can take and bid on that project.

Mr. Wilson stated again, will there be any set asides for this contract for minority contractors? Responding to Mr. Wilson, Mr. Balascio stated that he believes that he has answered the question. We will generally go through and allow anybody that wants to take a bid on the project to bid on the project and we will consider their bid for that project. We did not have any contractors or subcontractors that are tied to this project.

Mr. Witham closed the public hearing.

Mrs. Denney moved to approve C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road as is doesn't seem to have had any changes. There may have been some small adjustments made but since it was approved once before and like many throughout the City, the State, and the Nation projects at that time fell under the COVID disaster. People were holding onto their funds and they were afraid to just generally start a project not knowing how all of that was going to come out. In light of that in particular, at the time it was thought to fit well, be a great use for that area, and obviously you can't guarantee who is going to utilize those apartments. Once again, it was felt that it was a really good project before and nothing has changed since. The motion was seconded by Mr. Baldwin.

Mrs. Melson-Williams stated that Planning Staff wants to make sure that you are also including approval of the Active Recreation Area Plan associated with the project. Responding to Mrs. Melson-Williams, Mrs. Denney asked if she needed to amend her motion or does she just need to state that for the record?

Mrs. Melson-Williams stated that she thinks stating it for the record in that her recommendation for approval also includes that.

Mrs. Denney moved to approve C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road as is doesn't seem to have had any changes. There may have been some small adjustments made but since it was approved once before and like many throughout the City, the State, and the Nation projects at that time fell under the COVID disaster. People were holding onto their funds and they were afraid to just generally start a project not knowing how all of that was going to come out. In light of that in particular, at the time it was thought to fit well, be a great use for that area, and obviously you can't guarantee who is going to utilize those apartments. Once again, it was felt that it was a really good project before and nothing has changed since. Her recommendation also includes the approval of the Active Recreation Area Plan because she thinks sometimes with what her experience has been and not just with the City of Dover, but when she managed the Town of Camden, sometime these things seem to disappear or slip away or be underdone. The motion was seconded by Mr. Baldwin and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent. Mrs. Denney voting yes; in keeping with the comments that she made with her motion. Mrs. Maucher voting yes; based on DAC comments and the applicant's acceptance of those comments and recommendations. Mr. Baldwin voting yes. Dr. Jones voting yes; for reasons previously stated. Mr. Reaves voting yes. Mr. Lewis voting yes. Mr. Roach voting yes. Mr. Witham voting yes; this application is a further construction project which will hopefully aid the need for additional housing in the community and it meets all of the requirements that it did before so it still meets the requirements. So, based on the DAC comments and the comments of the Commissioners, he votes yes.

NEW BUSINESS

No items of New Business.

PUBLIC COMMENTS OPPORTUNITY**Mr. Bobby Wilson – 32 W Loockerman Street, Suite 101D Dover, DE 19901**

Mr. Wilson stated that when businesses come before the Commission, aren't they concerned about the economic development in the community for jobs and contracts to ask these builders what opportunity could be presented to our citizens instead of them bringing contractors down from Wilmington, New York, or New Jersey? What are we doing for our citizens here for our contractors and our businesses here to be participants in these types of projects? These are questions that should be asked by the Planning Commission; especially about the African Americans that are on this Planning Commission. He doesn't want to see a project come into Dover and there is no opportunity for the minority community.

Mr. Witham stated that Mr. Wilson asked a very good question. Unfortunately, we don't have the jurisdiction to answer your question. We have no power to make that a requirement. As part of the Planning Commission's duty, they have no responsibility or any jurisdiction over what contractors these builders use. He agrees with Mr. Wilson as there should be opportunities for all Americans, including minorities to have the opportunity to bid on projects, show their skills, and be able to add to the working conditions in our community.

Mr. Wilson stated that he is not saying that you can make them do anything but at least ask the question for your citizens. You are letting these projects come right through your Commission and they are going right out the door because City Council will probably vote yes, but here you could ask some of these questions as a citizen in this community that cares about small businesses.

Mr. Reaves stated that he would like to ask Mrs. Melson-Williams, as a member of the DAC, is that something that can be issued in that DAC meeting? Responding to Mr. Reaves, Mrs. Melson-Williams stated that the Development Advisory Committee is made up of members that enforce their own regulatory provisions. There is nothing in the *Zoning Ordinance* that would prescribe who can bid on a project and we can't even make recommendations as the city. Certainly, we would encourage all to be involved in the process and be aware of what applications are coming through or processed. All of our meeting agendas are posted and you can see what applications are coming before us but there is nothing in the *Zoning Ordinance* that would require us to establish such questions or establish such provisions as part of our Code. These are not projects that the City is bidding. These are projects that are private individuals. If it were a City project or a State project, that is probably a different scenario and we really can't speak to that with this body or with the Development Advisory Committee.

Mr. Wilson stated that it is just a question to ask from your standpoint of just getting a concern you have for the project. No demand. If you show concern about the project and the participation, then the developers that are building the project might have some concern. Knowing that they have to come before you and answer that question. It's just a question to present.

Dr. Jones stated that she fully understands and she knows that he goes way back with this very same concern. But one of the things that she has learned after being on this Planning

Commission for quite some time is that less we put ourselves in a position of being sued by someone. Because when you start asking questions that are not pertinent to the zoning application, let's say the application is turned down. She thinks that they really do have to be careful. She understands what he is saying and he thinks that there are bodies that deal with that. She is quite familiar and she usually doesn't personalize things, but her husband worked with minority contractors for the State of Delaware. So she is very familiar with your concern, but she does think that you may just want to consider what our role is. It has been very difficult to stay in our lane. Responding to Dr. Jones, Mr. Wilson stated that he has been to other Planning Commission's in other states and cities and these questions are asked. He doesn't know if you have been to any other communities in other cities or states but these questions are asked by concerned people that are the body of the committee. If you do not believe what he is saying, come with him to a Washington DC City Council Meeting where Marion Berry left these types of questions in the City Council and they continue to this day to ask these questions.

Dr. Jones asked if he has presented to City Council. Responding to Dr. Jones, Mr. Wilson stated yes, many times and he has presented to this body many times. Why aren't we standing up? Even as a minority yourself; he thinks we should be asking these questions, especially looking at the climate of our City when it comes to contracting opportunities and jobs.

Mr. Reaves stated that a redirection is that we have our economic opportunity center that makes continuous comments on the economic benefit to the City, but the economic benefits to the City is hardly ever addressed when it comes to how the work is going to be distributed in our community. He understands what Mr. Wilson is saying and potentially reaching out to that economic group and also through the City Council and Mayor's Office to ask that question because it is relevant to economic development of our City as we speak on that and some of these projects that we approve.

Mrs. Denney stated that she used to manage the Town of Camden and she had been working on a project along with Governor Carper at the time, with regard to what she supported up in the City of Wilmington. A Senator named Herman Holloway; he was a magnificent man. We worked on a project to take minor people out and help them understand about voting. We did a town meeting to teach people to vote and how to get out and vote because unfortunately at that time, there were whole groups of people who were afraid to vote because they thought once they got in the machine they won't know what they are doing. It was a wonderful project. Fast forward to when she was managing the Town of Camden and working with Tom Carper, we made this kind of plan to take people under your wing and do the intern/extern things at what is now DSU but was Del Tech then. We campaigned and met with different people. She also was involved in medicine so they met with medical practice managers and other town managers and worked to bring these young people in for these externships. Interestingly enough, she worked with young woman recently on the July 4th Parade and this young girl volunteered to be on the Committee. We worked back and forth and she got to know her very well. She wanted me to meet her mother. So, at the end of the parade she met her mother, who was a wonderful young woman who did her externship with the Town of Camden under her guidance who went on and she got her Bachelor's Degree and her Master's Degree. She was standing on the corner waiting to meet her to surprise her because she was there with her children who all are adults and all have Master's Degrees and children who they are teaching to believe in the importance of education

and the importance of just helping out and helping others. So, she thinks everybody should appreciate that opportunity and we all should be reaching out and helping.

Mr. Witham stated well said. He thinks this body concurs that all Americans, whether you are white, black, red, green, or whatever should always have the opportunity to bid on projects and get contracts to do that. He knew from his own standpoint as an owner of some commercial property, one of the best contracts that he ever had was a minority contractor who built the building. He did a heck of a job and he has used him ever since. Responding to Mr. Witham, Mr. Wilson stated that they are having problems with several departments in the City of Dover. One is the Public Works Department. Again, we have major prime contractors coming to the City of Dover and they are getting these \$3 million or \$5 million contracts and all of their employees are from Wilmington. They are not hiring subcontractors and all of our taxpayer's money goes back to Wilmington. We need to have some type of opportunity goals for our local people so that they can participate. We need to have mandatory pre-bid meetings so we can know who to contacts are. There are a lot of entities that doesn't go into play in the City of Dover when it comes to opportunities and contracts.

Meeting adjourned at 7:44 PM.

Sincerely,

Kristen Mullaney
Secretary