

CITY OF DOVER PLANNING COMMISSION
January 20, 2026

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

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

APPROVAL OF AGENDA

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

APPROVAL OF MEETING MINUTES OF DECEMBER 15, 2025

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

COMMUNICATIONS & REPORTS

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

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

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

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

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the In-Person Meeting and Virtual Meeting using the Webex system.

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Witham opened a public hearing.

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

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

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

19901

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Witham closed the public hearing.

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

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

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

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

Representative: Mr. Gregory Moore, Becker Morgan Group

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

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

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

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

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

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

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

Mr. Witham opened the public hearing.

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

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

Mr. Witham closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

Anderson stated that there would be stairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW BUSINESS

No items of New Business.

PUBLIC COMMENTS OPPORTUNITY

No members of the public spoke.

Meeting adjourned at 8:52 PM.

Sincerely,

Kristen Mullaney
Secretary