

City of



Dover

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

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF February 11, 2025
PLANNING COMMISSION MEETING of February 18, 2025

Plan Title:	Lands of 4BL, LLC: Cecil Street Townhouses at 207 W. North Street, C-25-01
Plan Type:	Conditional Use Site Plan and Minor Subdivision Active Recreation Area Plan
Location:	Northeast corner of N. West Street and Cecil Street
Address:	207 N. West Street
Tax Parcel:	ED-05-076.08-02-01.00-000
Owner:	4BL, LLC
Site Area:	12,168 SF
Zoning:	RG-1(General Residence Zone)
Current Use:	Vacant Land
Proposed Use:	Townhouse Lot
Dwelling Units:	4 units
Parking:	Required: 2 per dwelling unit Proposed: 2 per dwelling unit
Water and Sewer:	City of Dover
For Consideration:	Active Recreation Plan (Potential Cash-in-Lieu Donation) Exemption under <i>Zoning Ordinance</i> , Article 5 §10.511

I. PROJECT SUMMARY:

This application is for review of a Conditional Use and Minor Subdivision Plan to permit the construction of four (4) townhomes on a 12,168-SF parcel of land located at the northeast corner of Cecil Street and North West Street. The property is currently a vacant parcel of land, after the prior residential structure was demolished. The property for the proposed development is zoned RG-1 (General Residence Zone). The owner of record is 4BL, LLC. Property Address: 207 North West Street. Tax Parcel Number: ED-05-076.08-02-01.00-000. Council District 4. *For Consideration: Active Recreation Plan Review. See Attached Plan Sheets.*

II. ACTIVE RECREATION AREA PLAN SUMMARY:

Article 5, Section 10 of the *Zoning Ordinance* requires the reservation of open space, recreation and other public facilities as a condition of approval for all one-family dwelling, two-family dwelling and multiple-family dwelling residential developments requiring conditional use approval, site development plan approval, or land subdivision approval by the City of Dover Planning Commission.

Exemption to Recreation Area and Open Space Dedication

The *Zoning Ordinance* Article 5, Section 10.511 notes that residential developments with less than five acres of land and less than ten dwelling units are considered a “small development” and as such are exempt from requiring recreation area and open space facilities, but shall require a cash donation to be made by the developer in lieu of a dedication of land.

The Applicant is therefore not required to provide such recreation facilities, but must otherwise pay a cash-in-lieu fee. This fee is determined based off the appraised value of the gross land area. The appraisal document with the appraised value of the gross land area must be submitted to the Planning Office so that the fee calculation (Cash-in-Lieu amount) may be completed. The information is required to be submitted to the Parks, Recreation and Community Enhancement Committee of City Council for review and approval.

III. REVIEW PROCESS

The Planning Office has prepared this Active Recreation Area Report outlining the requirements based on the *Zoning Ordinance*. The Parks, Recreation and Community Enhancement Committee will make a recommendation. The Planning Commission must act to accept the Recreation Area Plan as part of the Site Plan review process.

The Parks, Recreation and Community Enhancement Committee will review the Recreation Area Plan at their meeting on February 11, 2025. The Planning Commission Public Hearing and Review of the Conditional Use/Minor Subdivision Plan C-25-02 is scheduled for February 18, 2025.

IV. CODE CITATIONS:

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

Article 5 Section 10

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

The City of Dover shall require the reservation of open space, recreation, and other public facilities in accordance with the provisions of this section as a condition of approval for all one-family dwelling, two-family dwelling and multiple-family dwelling residential developments requiring conditional use

approval, site development plan approval, or land subdivision approval by the City of Dover Planning Commission.

10.1 Recreation areas.

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

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

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

10.5 *Exemption to recreation area and open space dedication.*

10.51 *Exemptions for small developments.*

10.511 *Residential developments with less than five acres of land and less than ten dwelling units.* These developments shall be exempt from the land requirements set forth in [sub]sections 10.1 and 10.2, but shall require a full cash donation to be made by the developer in lieu of a dedication of land.

10.52 Amount of cash donation. This cash donation shall be equivalent to ten percent of the appraised value of gross land area. The land area value shall be based on the appraisal prepared for the developer to secure construction financing. This submitted appraisal shall be a copy of the original supplied to the lending institution, with that institution identified, and shall conform in all ways to the Uniform Standard of Professional Appraisal practice and be performed by an appropriately qualified certified appraiser. If an appraisal prepared for construction financing is not available, then the developer shall have an appraisal done in accordance with the procedures set forth in [sub]section 10.174.

10.53 *Separate recreation account.* The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

10.54 *Appeal of appraised value.* If the city does not accept the land value established by the appraisal detailed in [sub]section 10.52, the city may, at the developer's expense, require another appraisal be performed. This appraisal will be let on a bid basis between at least three qualified, certified and licensed appraisers selected by the city. The appraiser(s) who prepared the original appraisal in [sub]section 10.52 cannot be a party to this appeal appraisal.

10.55 *Payment of cash donation.* One hundred percent cash donation provided under this [sub]section [10.5] shall be collected prior to issuing the first building permit for the development.

10.6 *Construction phasing.* The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that 100 percent of the recreation and open space areas shall be completed prior to issuing building permits for the final 20 percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

10.7 *Council approval.* Prior to acceptance by the planning commission, all areas planned for public dedication, or cash donations provided under this section must be submitted to, and approved by the parks, recreation, and community enhancement committee of the City of Dover, and shall be subject to final review and approval by [the] city council.

Regarding the calculation of the amount of the cash donation, the *Zoning Ordinance* in Article 5 §10.52 specifies that the “cash donation shall be equivalent to ten percent of the appraised value of gross land area” and this value shall be “based on the appraisal prepared for the developer to secure construction financing.” The Applicant is aware of the need to submit this Appraisal document; upon its submission to the required Cash-in-lieu donation amount will be calculated.

V. STAFF RECOMMENDATIONS

The following are comments and recommendations from staff of the Planning Office following review of the Active Recreation Area Plan (Potential request for Cash-in-Lieu).

- 1) Staff recommends that a Cash-in-lieu donation of an Active Recreation Area be approved for this project. The project is located Downtown, across from the Senator Bikeway, and within walking distance of City parks and recreation amenities.
 - a. The Cash-in-lieu amount is yet to be determined as a land appraisal submission is required to be submitted to the Planning Office.
 - b. This Request must be reviewed by the Parks, Recreation & Community Enhancement Committee of City Council so that they may provide a recommendation to the Planning Commission.
 - c. The payment of the Cash-in-lieu is required prior to the issuance of the Building Permit for this first dwelling unit. The donation amount is deposited in the City’s Parkland Reserve Fund account.

VI. ADVISORY COMMENTS

- 1) In the event, that major changes and revisions to the Plan occur in the finalization of the Plan contact the Planning Office. Examples include reorientation of buildings, relocation of site components, changes in floor area or unit count, or design revisions impacting Active Recreation Areas. These changes may require resubmission for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the plan.
- 2) The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area Plan.

Attachments:

- Select pages from the C-25-01 Plan set

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