

City of



Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 5, 2025

PLANNING COMMISSION MEETING OF March 17, 2025

Plan Title:	Minor Subdivision Plan McKee Road Apartments, SB-25-01
Plan Type:	Minor Subdivision Plan
Associated Plan:	McKee Road Apartments Site Development Plan S-21-11
Location:	Northeast side of McKee Road at the intersection of McKee Road and Scarborough Road
Tax Map ID:	ED-05-067.00-02-57.00-000
Owner/Applicant:	MCKEE CAP, LLC
Combined Site Area:	78.60 +/- acres
Parcels to be Created:	Lot 1 (Proposed): 13.44 acres Lot 2 (Proposed): 59.90 acres Lot 3 (Proposed): 5.26 acres
Zoning:	RG-2 (General Residence Zone), C-2A (Limited Central Commercial Zone), and subject to the COZ-1 (Corridor Overlay Zone)
Current Use:	Vacant Land, Wooded Areas, Wetlands
Proposed Use:	Multi-family community containing sixteen (16) apartment buildings, each with twenty-four (24) units for a total of 384 Units.
Sewer & Water:	City of Dover
Approved:	Active Recreation Plan and Request for Cash-in-Lieu of Recreation Area Construction
Approved Waiver Requests:	Partial Elimination of Upright Curbing Reduction of Parking Requirement Partial Elimination of Sidewalk Along Frontage

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: March 5, 2025

APPLICATION: Minor Subdivision Plan for McKee Road Apartments at 1385 McKee Road

FILE #: SB-25-01

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, AICP

PHONE #: (302) 736-7196

I. PLAN SUMMARY

This Application is the Review of a Minor Subdivision Plan to divide the 78.60-acre parcel associated with the McKee Road Apartments development project into three (3) lots. The proposed lots consist of Lot 1 of 13.44 acres; Lot 2 of 59.90 acres, and Lot 3 of 5.26 acres. The property is the subject of a Site Plan approved for development of a multi-family community consisting of garden style apartment buildings (384 units) with garages, Clubhouse with Pool, parking, and a commercial portion for future development. The property is zoned RG- 2 (General Residence Zone) and C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the east side of McKee Road near the intersection of McKee Road and Scarborough Road. The owner of record is McKee CAP, LLC. Property Address: 1385 McKee Road. Tax Parcel: ED-05-067.00-02-57.00-000. Council District 4.

Previous Application

This property was the subject of Site Plan S-21-11 McKee Road Apartments granted conditional approval by the Planning Commission on April 18, 2022 and with Final Plan Approval granted on September 21, 2023. Site Plan S-21-11 depicts the construction of sixteen (16) three-story, garden-style Apartment Buildings each with twenty-four (24) units, sixteen (16) garage structures, a clubhouse and pool, concrete walking trail network, turf playing field, picnic areas, dog park and associated site improvements. The property at 1385-1389 McKee Road was annexed into the City of Dover in June 2020. The 78.60 +/- acre parcel was split zoned at this time with a smaller portion of the property zoned C-2A (Limited Central Commercial and the majority of the parcel zoned RG-2 (General Residence Zone). The frontage along McKee Road is also subject to the Corridor Overlay Zone (COZ-1).

Preliminary Land Use Services Review (PLUS): PLUS Review: #2021-09-05.

A development application for this property was reviewed on September 22, 2021 by the Preliminary Land Use Services. The PLUS Review is required by a City of Dover Memorandum of Understanding (MOU) for certain types of projects. This MOU requires that residential development of 125 or more dwelling units complete the PLUS Review process prior to

application submission. The applicant's response Letter of April 1, 2022 to the PLUS Review Letter is on file in the Planning Office with Application S-21-11.

II. PROJECT DESCRIPTION

The subject property is located on the northeast side of McKee Road, near the intersection of McKee Road and Scarborough Road. The property is adjacent to the Delaware Railroad corridor to the east with land owned by DNREC (and located in the County) east of the railroad. There is a mixture of properties to the southeast zoned M (Manufacturing Zone) and IO (Institutional and Office Zone), the latter being the location of North Dover Elementary School. The properties across McKee Road are all residential, being zoned primarily R-8 (One-Family Residence Zone). The McKee Road Apartments project has an approved Entrance Plan from DelDOT for an entrance aligned with the entrance to the Emerald Point Subdivision that will become a signalized intersection. The property across Scarborough Road is zoned IPM (Industrial Park Manufacturing) and is the site of Hirsh Industries, a manufacturing facility.

The Site Plan S-21-11 McKee Road Apartments only authorizes the development of the RG-2 (General Residence) zoned portion of the overall property as an Apartment Complex, using the C-2A zoned portion only for the entrance to access the Apartments. An application for the commercial portion of the property (area zoned C-2A) will need to be filed separately.

Minor Subdivision Plan (As updated 3-6-2025)

This Minor Subdivision Plan proposes to subdivide the existing lot into three (3) new lots. The existing parcel has frontage along McKee Road. See the following Table for summary of the lots.

Site	Existing Acreage	Proposed Acreage	Description
Lot 1	78.60 acres	13.44 acres	New Parcel created for part of Apartment Complex
Lot 2		59.90 acres	New Parcel created for part of Apartment Complex, Clubhouse, and Woodland/Wetland Area
Lot 3		5.26 acres	New Parcel created for the C-2A zoned area
TOTAL	78.60 acres	78.60 acres	

As noted in the Summary Table, the existing tract is to be developed as an Apartment Complex under Site Plan S-21-11. All existing or proposed new lots have frontages on McKee Road and will share a common entrance drive (Altitude Way) that crosses through each proposed lot.

III. SUBDIVISION REGULATIONS REVIEW

The procedures for subdivision of land are found in the *Land Subdivision Regulations, (Dover Code of Ordinances, Appendix A)*. Planning Staff confirms this application as a Minor Subdivision. Therefore, the Planning Commission may find the application is subject to one public hearing and

review for action by the Planning Commission followed by the administrative process to complete the Final Plat for recordation.

To subdivide the properties, the plan review must ensure that the subdivision does not create any non-conformities with the bulk standards of the *Zoning Ordinance*. These bulk standards include minimum lot size, front yard setbacks, side yard setbacks, rear yard setbacks, lot coverage, etc. See also discussion below under Zoning Review.

IV. ZONING REVIEW

RG-2 (General Residence Zone)

The majority of the property is zoned RG-2 (General Residence Zone) and is subject to the regulations of *Zoning Ordinance*, Article 3 §2 and Article 4 §4.3. The development consisting of sixteen apartment buildings, garages, and Clubhouse is a permitted use (as Garden Apartments) in the RG-2 Zone. The following Table highlights some of the lot design standards for the RG-2 zone as found in Article 4 Section 4.3 for this housing unit type of Multiple Dwellings:

Minimum Required	RG-2 (General Residence Zone)
	Multiple Dwellings
Lot area (sq. ft.)	7,000
Lot width (ft.)	100
Lot depth (ft.)	125
Front yard	30
Minimum side yard (ft.)	25
Total both side yards (ft.)	50
Rear yard (ft.)	30
Off-street parking spaces/DU	2
Maximum Permitted	
Building Height:	
Stories	3
Feet	40
Lot Coverage	60%

COZ-1 (Corridor Overlay Zone)

A portion of this site is also subject to the Corridor Overlay Zone along McKee Road but aligned to the layout of old McKee Road. The *Zoning Ordinance* details the requirements of the COZ-1 in Article 3 §27 and its subsections. The Corridor Overlay Zone as a planning and growth management tool is designed to foster an attractive, efficient, and economically vibrant urban corridor along Route 8/Forrest Avenue and Saulsbury/McKee Roads. To this end, more stringent standards are applied to development taking place in the corridor.

The proposed Clubhouse Building is the only part of the proposed Site Plan that lies within the boundaries of the COZ-1 (Corridor Overlay Zone). The compliance of the project with the COZ-1 requirements involves the Clubhouse Architecture and building placement, parking placement, sidewalks, and landscape buffers.

The COZ-1 does include some bulk standard requirements including a minimum 60-foot/maximum 80-foot setback for buildings within the COZ-1 area; this impacts part of Lot 2 and Lot 3). There is also a minimum of 25% of each lot to consist of landscaped open space.

C-2A (Limited Central Commercial Zone)

The proposed Lot 3 of the property is zoned C-2A (Limited Central Commercial Zone) and is subject to the regulations of *Zoning Ordinance*, Article 3 §14 and Article 4 §4.14.

Minimum Required	C-2A (Limited Central Commercial Zone)
Lot area (sq. ft.)	-
Lot width (ft.)	-
Lot depth (ft.)	100
Front yard	15
Side yard (ft.)	None Required, but 5 feet minimum if provided
Rear yard (ft.)	20 feet above ground floor. At ground floor, 5 feet required.
Side or rear yards which adjoin a residential zone	25
Off-street parking spaces	
Per 300 SF floor area	1
Per employee (whichever is greater)	1
Maximum Permitted	
Building Height:	
Stories	6
Feet	75
Floor Area Ratio	4.0

V. PARKING SUMMARY

The parking requirement for apartments is based on a rate of two (2) parking space per dwelling unit plus 0.25 space per dwelling unit for visitor parking and one parking space for every 200 SF of office space. Based on the number of dwelling units (384 units), this site would require 864 parking spaces. The Site Plan as approved identifies a total of 775 parking spaces, including handicapped parking spaces; there are also bicycle parking spaces. Vehicle parking is provided in front of each apartment building as open-space parking lots, with an additional sixteen (16) garage structures each containing five (5) parking spaces each interspersed throughout the parking lots. A Waiver Request for a Reduction in the Required Number of Parking Spaces was previously granted with the condition that space be reserved to create 50 parking spaces if needed. When the C-2A zoned area is developed it will be subject to parking requirements.

VI. SITE CONSIDERATIONS

Access

There is one entrance approved for the overall site. The entrance drive is to be located across from the Emerald Pointe Subdivision and meander across the property first along the east side of the portion of the property zoned C-2A (Lot 3) before extending in a northeast direction to get to the Apartment Buildings on Lots 1 and 2. There are limitations placed on the property by DelDOT which prohibit a second access point off of McKee Road or Scarborough Road.

Rear Emergency Access

Emergency rear access is required for some residential dwelling types. According to Article 5, Section 17 of the *Zoning Ordinance*, an 18 ft. wide Secondary Fire Lane or 18 ft. wide subgrade emergency access lane is required for Apartments that are 2-3 stories to serve as rear access. This is to provide access to rear building areas. The Site Plan shows Subgrade Emergency Access Lanes being provided to access the rear of each of the (16) Apartment Buildings.

Sidewalks

The Site Plan details the sidewalks across the entirety of the site connecting pedestrians from one apartment building to the next, providing access from the vehicle parking areas to each of the apartment buildings, and connecting the Apartment Buildings to the Community Clubhouse.

Approved Waiver Request: Partial Elimination of Frontage Sidewalk

Sidewalks are required along the McKee Road/ Scarborough Road street frontages of the site (*Zoning Ordinance*, Article 5 Section 18). Previously, the Site Plan was granted a waiver to eliminate the potential of the frontage sidewalk from the Old McKee Road/ Scarborough Road intersection then east in the area of the grade change. The approved plan shows a sidewalk/multi-use path for the remainder of the frontage.

VII. TREE PLANTING AND LANDSCAPE PLAN

Zoning Ordinance, Article 5 Section 16 lays out the requirements for tree planting and preservation. A new project is required to provide tree planting at a rate of one (1) tree per 3,000 SF of "Development Area." This property consists of a mixture of woodlands, wetlands, and open vacant land. The applicant has limited the disturbance of the woodlands. The southern portion of the property (to be included in Lot 2) includes a large woodland area with wetlands. The Site Plan S-21-11 outlined the tree plantings for the apartment complex development area.

COZ-1 Landscape/ Tree Requirements

The portion of the property along McKee Road is in the Corridor Overlay Zone (COZ-1). The COZ-1 has additional planting requirements of one tree per 50 feet of road frontage. Site Plan S-21-11 shows the required tree plantings along the McKee Road frontage and in front of the Clubhouse.

Wetland Area

Included on the Site Plan are also details on riparian buffer plantings encompassing 1.63 acres where the applicant has requested a reduction in the 100-foot buffer required from wetlands. A reduction to 50 feet can be requested with the planting of a riparian buffer consisting of native vegetation or the retention of existing trees and vegetation.

VIII. ACTIVE RECREATION AREA

The *Zoning Ordinance*, Article 5 Section 10 sets out requirements to preserve areas of open space within residential developments which are designed to provide buffer spaces between developing areas, to preserve existing natural and historic features and to establish a network of open spaces within the built environment to provide a balance between developed and undeveloped lands, wildlife habitat conservation, the preservation of scenic view corridors, and to provide residents opportunities to engage in passive recreational activities. The Site Plan S-21-11 outlines the Active Recreation Area components and the approval for Cash-in-lieu of Recreation Area for the deficient area.

IX. CITY AND STATE CODE REQUIREMENTS:

The subject proposal has been reviewed for code compliance, plan conformity, and completeness in accordance with the agency's authority and area of expertise. The following items have been identified as elements which need to be addressed by the applicant

- 1) An updated Subdivision Plan was received March 6, 2025 to update the Lot labels for consistency.
- 2) The Subdivision Plan should also list the action taken on all Waivers and Active Recreation Area Cash-in-Lieu associated with Site Plan S-21-11. Some of these are listed in the General Notes.
- 3) Minor Subdivision Sheet:
 - a) Site Data:
 - i) Clarify the application number as the Minor Subdivision is SB-25-01 and Site Plan is S-21-11. Also, in the title block area.
 - ii) In Item 6, list the zoning of C-2A.
 - iii) List the Lot Labels in Item 17.
 - iv) Also list the setbacks for C-2A and the COZ-1 zones.
 - v) Check spelling.
 - b) On the Drawing
 - i) Update property owner information for the tract as drawing labels says MEB Properties, LLC.
 - ii) Show the location of the COZ-1 (Corridor Overlay Zone).
 - iii) Label the riparian buffer areas.
 - iv) Show side yard setbacks along proposed property lines.
 - c) Add zoning labels along delineation line between area zoned RG-2 and C-2A.
 - d) Remove the Sheet Index. Listing from Site Plan S-21-11, a note referencing the Site Plan set can be listed.
- 4) A second sheet depicting the building locations and other development information is needed to confirm setback compliance.
- 5) The Record Plan Sheet must document and identify any existing and proposed easements for cross access, utilities, drainage, etc. associated with the subdivision of these lots. The

appropriate easements for access and utilities between the properties must be created and shown on the drawing and/or by note.

- 6) The Final Plan set must include notes documenting any action taken by the Planning Commission and must list any additional conditions of approval.
- 7) The Final Record Plat submission must include requirements described in *Dover Code of Ordinances*, Appendix A: Land Subdivision Regulations, Article IV, C. Plat, and any additional requirements of the Planning Commission.
- 8) The formal Record Plan will need to be recorded upon completion of the approval process with any corrections identified by the reviewing agencies.

X. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

The *Land Subdivision Regulations*, Article I. Purpose, indicates that the regulations are adopted in order to promote and protect the public health, safety, convenience, and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land, and adequate provision for housing, recreation, circulation, utilities, and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

- 1) This Minor Subdivision Plan creates three (3) lots out of the existing parcel. The existing lot is proposed for development under a separate Site Plan S-21-11 McKee Road Apartments. The Subdivision Plan generally appears to comply with the *Land Subdivision Regulations* and bulk standards of the RG-2 Zone, C-2A zone, and COZ-1.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise. The Recommended Additional Considerations to Meet Code Objectives are offered for consideration by the Planning Commission.

1) ADVISORY COMMENTS TO THE APPLICANT:

In the event, major changes and revisions to the Minor Subdivision Plan occur in the finalization of the Plan contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies making recommendations in regard to the plan.

- 2) Following Planning Commission approval of the Minor Subdivision Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan must be submitted for final endorsement prior to recordation at the Kent County Recorder of Deeds Office.
- 3) Other agencies and departments which participate in the Development Advisory Committee

may provide additional comments related to their areas of expertise and code requirements.

- 4) The applicant shall be aware that Minor Subdivision Plan approval does not represent a site development approval, a Building Permit, and associated construction activity permits. A separate application process is required for review and approvals for development activity from the City of Dover.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: FEBRUARY 26, 2025



APPLICATION: Minor Subdivision Plan for McKee Road Apartments at
1385 McKee Road

FILE #: SB-25-01

REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater

CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services

CONTACT PHONE #: 302-736-7025

CONTACT EMAIL: jlyon@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

SANITATION / STORMWATER / STREETS / WATER / WASTEWATER / GENERAL

1. Our office has no objection to the minor subdivision plan.
2. This project was originally approved as application S-21-11. All requirements for that approval will remain in effect. The original plan required all water / wastewater and stormwater infrastructure to be privately owned and maintained. A maintenance agreement between all future property owners must be drafted by the developer and provided to staff for review and approval.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / STORMWATER / STREETS / WATER / WASTEWATER / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

SANITATION / STORMWATER / STREETS / WATER / WASTEWATER / GENERAL

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: FEB 26, 2025

APPLICATION:	Minor Subdivision Plan for McKee Road Apartments at 1385 McKee Road
FILE #:	SB-25-01
REVIEWING AGENCY:	City of Dover Electric Department
CONTACT PERSON:	Shawn Burgett, Engineering Services & System Operations Superintendent
CONTACT PHONE #:	302-674-7568
CONTACT EMAIL #:	sburgett@dover.de.us

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. The roadway and curbing must be in.
2. The right-of-way must be within 6" of final grade.
3. The property corners must be staked.
4. Owner is responsible for locating all existing underground electric, communications and water facilities.
5. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
6. Owner is responsible for site and/or street lighting.
7. Meter locations will be determined by City of Dover Engineering Department.
8. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
9. Any relocation of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.
10. Prior to construction, owner is responsible for granting an easement to the City of Dover Electric Department. Easement forms will be furnished and prepared by the City of Dover Electric Engineering Department.
- 11. Fees will be assessed upon final site plans. The owner will be responsible for fees assessed prior to construction. Owner is required to sign off plans prepared by the Electric Department.**
12. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.

13. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
14. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner must give the City of Dover Electric Department three (3) months' notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is available on the website at the following link: <https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Provide load sheets as soon as possible for proper sizing of transformers and creation of primary fee estimates. Fillable load sheets are available on the website at the following link:
<https://www.cityofdover.com/media/Electric%20Department/COD%20Electric%20Load%20Sheet.pdf>.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/26/25

APPLICATION: Minor Subdivision Plan for McKee Road Apartments at 1385 McKee Rd

FILE #: SB-25-01 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a minor subdivision plan to divide the 78.60 acre parcel into three lots. This office has no objections.
2. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

One-family and two-family residential structures, height, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, *Arabic numerals*, all numbers shall be Arabic numerals.

Multiple-family dwellings, measurements, the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally,* numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

property line or driveway, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

Arabic numerals, all numbers used shall be Arabic numerals,

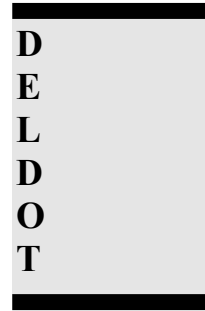
Shopping centers. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.
(City of Dover Code of Ordinances, 98-344)

3. Project to be completed per approved Site Plan.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Plan shouldn't interfere with S-21-11

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY



APPLICATION: Minor Subdivision Plan for McKee Road Apartments at 1385 McKee Road

FILE#: SB-25-01

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

No person, firm, corporation or the like shall construct, open, reconstruct, maintain, modify or use any crossing or entrance onto a state-maintained highway, street or road, including any drainage modifications leading into or carried by the highway drainage system, without first having complied with standards and regulations adopted by the Department and having obtained a permit issued by the Department. Please contact the Delaware Department of Transportation - Development Coordination section to begin permit process.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. A project coordination meeting is required with the Department.



KENT CONSERVATION DISTRICT

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
MARCH 2025**

APPLICATION: Minor Subdivision Plan for McKee Road Apartments at 1385 McKee Road

FILE #: SB-25-01

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 - 5370

EMAIL: stormwater@kentcd.org

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2019 Delaware Sediment and Stormwater Regulations

ADVISORY COMMENTS TO THE APPLICANT:

1. Since the plan for the apartments has already been approved and is about to begin construction, we will require an executed shared use agreement to be submitted for the newly subdivided lots. One that covers the amount of stormwater discharge and maintenance responsibility for the stormwater facilities.
2. A letter of no objection to recordation will be provided upon acceptance of the shared use agreement.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 3/5/2025

**Dover/Kent
County
Metropolitan
Planning
Organization**

SB-25-01 Minor Subdivision Plan for McKee Road Apartments at 1385 McKee Road

FILE # SB-25-01 REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob PHONE #: (302) 387-6030

Attached, please find comments submitted by Dover Kent MPO for each of the current City of Dover Development Advisory Committee (DAC) applications. These comments are a part of the MPO's ongoing goals of promoting transportation safety and connectivity within the region. They are submitted in accordance with the support given by the MPO Council on November 6, 2024.

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission
Minor Subdivision Plan Review

SB-25-01 Minor Subdivision Plan for McKee Road Apartments at 1385 McKee Road

Dover Kent MPO strongly opposes the building of residential units adjacent to an active freight railroad line. In 2022 the MPO provided comments for Site Plan S-21-11, which recommended that the application be denied, and that the property be rezoned for industrial or heavy commercial use.¹ These comments cited the City of Dover 2019 *Comprehensive Plan*² and the 2018 *Dover/Kent County Metropolitan Planning Organization Rail Zoning Study*,³ both of which emphasized **the need for preserving rail-adjacent parcels for industrial uses**.

¹ City of Dover, Delaware Planning Commission (Meeting Packet). City of Dover (2022). <https://evogov.s3.us-west-2.amazonaws.com/meetings/27/attachments/12570.pdf#page=117>.

² City of Dover Comprehensive Plan. City of Dover (2020). <https://delplan.org/wp-content/Plans/Dover/Dover%202019%20Comprehensive%20Plan%20Adopted%201-13-2020%20Complete.pdf#page=123>.

³ Dover/Kent County Metropolitan Planning Organization Rail Zoning Study. Dover/Kent County MPO (2018). <https://doverkentmpo.delaware.gov/files/2018/11/Final-Rail-Study-November-14-NOV-18-FINAL-version.pdf#page=17>.



More recently, Dover Kent MPO completed the 2022 *Rail Land Use Corridor Study*.⁴ In addition to identifying parcels in Kent County along existing rail lines, this study provided strong recommendations for creating rail-specific zoning categories, supporting rail-dependent uses along railroad lines, and discouraging residential development on these properties in particular. The study discussed the many conflicts that can arise when residential units are built along active railroad lines. These include noise pollution, vibrations caused by passing trains, and most notably, the safety concerns. Doing so also reduces the amount of rail-adjacent land that may be used for industrial and other rail-dependent purposes in the future.

The *Dover Municipal Freight Plan*, which was approved by the Dover City Council on February 10, 2025, also recommends preserving properties along freight routes for freight-related purposes.⁵ Given that the property abuts the railroad, and that McKee Road is one of the City of Dover's designated truck routes,⁶ the property is an ideal candidate for such purposes.

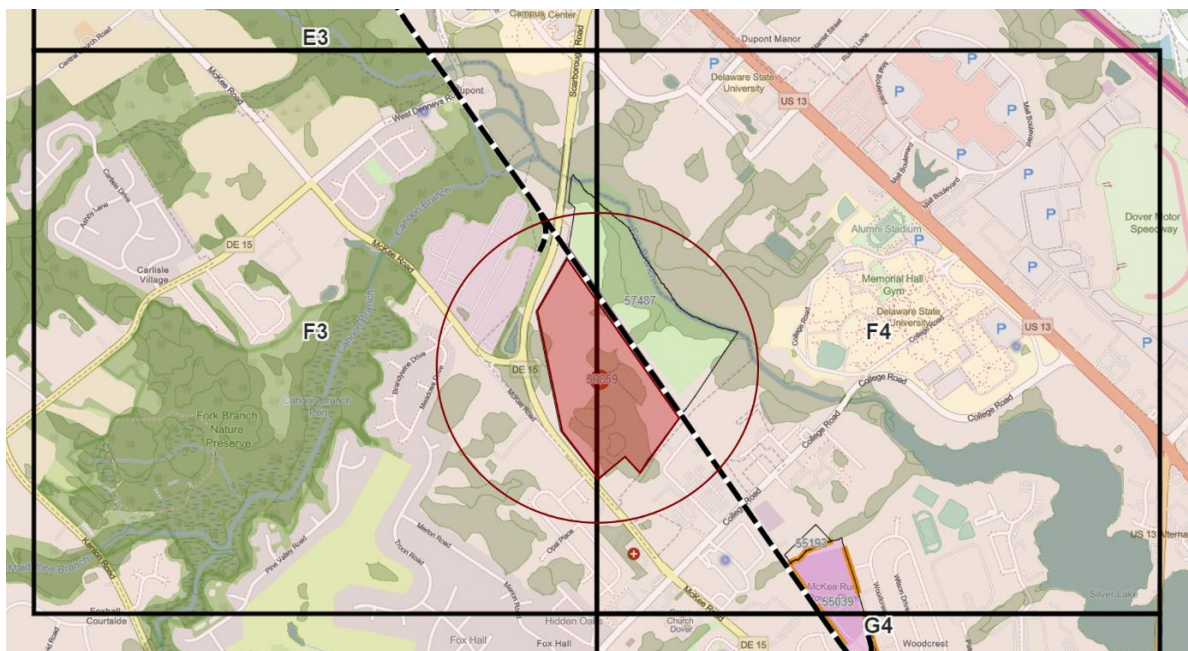


Figure 1: Tiles F3 and F4 of the Rail Land Use Corridor Study. The McKee Road Apartments parcel is in the center (shaded polygon), and it is adjacent to the active railroad (dotted line). Source: Kent County Rail & Freight Study - Interactive Map.

Dover Kent MPO maintains the opinion that the property should not be used for residential purposes. However, if residential units are to be constructed as currently planned, the site plan should be significantly revised to mitigate conflicting uses. A **wider buffer** should be used to distance the residential units from the railroad tracks. (The 2018 *Rail Zoning Study* noted that a buffer of at least 150 feet is recommended in much of the existing literature). The

⁴ Rail Land Use Corridor Study. Dover/Kent County MPO (2022).

<https://doverkentmpo.delaware.gov/files/2023/01/Rail-Corridor-Land-Use-Study-Final-September-2022.pdf#page=18>.

⁵ Dover Municipal Freight Plan - Study Page. Dover/Kent County MPO (2025).

<https://doverkentmpo.delaware.gov/dover-municipal-freight-plan/>.

⁶ Ordinance #2024-05. City of Dover (2024). <https://www.cityofdover.com/media/Government/Ordinances-Resolutions-Tributes/2024/Ordinance%202024%20-05%20-%20Amending%20Chapter%20106%20-%20Traffic%20and%20Vehicles%20Sec%20106-17%20Truck%20Routes%20-%20ADOPTED.pdf>.



space nearest to the railroad tracks would be better suited for vehicle parking or another purpose, rather than apartment buildings. A barrier (berming, heavy landscaping, fencing, etc.) should also be used to reduce the impacts of noise pollution and prevent access to the railroad tracks by foot. Appendix D of the 2022 *Rail Land Use Corridor Study* provides various strategies for reducing conflict with an active railroad line. If more information on this topic is needed, please contact the MPO.

The plan includes sidewalks and crosswalks within the property that will serve to connect the buildings. However, sidewalks along McKee Road are not planned for the majority of the property's frontage. This section of McKee Road has a posted speed limit of 45 mph, an Annual Average Daily Traffic (AADT) of 15,730, and a Level of Traffic Stress (LTS) between 3 and 4. This existing data suggests the roadway is currently unsafe for bicyclists and pedestrians, especially the eastern side of the road, which lacks the necessary facilities.

Furthermore, the previous crashes on the roadway are worth considering. Between 2009 and 2024, there were a total of 142 crashes on McKee Road in front of the property. Of these, three (3) crashes resulted in fatalities. Five (5) of the crashes involved bicyclists. The locations with a disproportionately high number of crashes are the intersection of McKee Road and Scarborough Road, and the intersection of McKee Road and Gemstone Boulevard.



Figure 2: Option 1 for improvements to McKee Road in between Scarborough Road and Gemstone Boulevard. Source: McKee/Saulsbury Road Corridor Study Final Recommendations Report (p. 68).

As discussed in the 2023 *McKee/Saulsbury Road Corridor Study Final Recommendations Report*, a pedestrian path should be built along the property's frontage, extending as far north as the intersection of McKee Road and Scarborough Road. This would benefit residents of the apartment buildings by providing them with additional pedestrian and bicycle connections.⁷ A **10-foot-wide multi-use path** is recommended, as this would mirror the path on the western side of the road. A **crosswalk** should also be added at the intersection, connecting both sides of McKee Road.

A 384-unit subdivision is likely to put significant strain on the surrounding roadways, especially during peak travel hours. This is made even more apparent by the fact that the plan features only one entrance to the new neighborhood. Dover Kent MPO's Metropolitan Transportation Plan, *Innovations 2050*, features an analysis of projected Volume-to-Capacity ratios (V/C) for Kent County's major roadways as far ahead as 2050; it reveals that even in 2022, McKee Road is **severely over-capacity**, especially during the AM travel time.⁸ In addition, residents of the Emerald Pointe neighborhood have previously asked the MPO about the status of signalization at the intersection of McKee Road and Gemstone Boulevard, citing the existing congestion issues. The DelDOT Traffic Impact Study (TIS) from 2021 examined the current and future traffic needs of the corridor. This study confirmed that with the full buildout of McKee Road Apartments, a **signalized intersection** would be necessary to prevent a negative impact towards Level of Service (LOS) and serious delays on both side-streets during peak travel hours. The applicant should work with DelDOT to ensure this is done alongside the construction.

Bicycle racks should be included in the plan, in order to meet the City of Dover's requirements on bicycle parking. This should be done at a rate of one (1) bicycle parking space for every twenty (20) vehicle parking spaces. (See Dover Code – Appendix B, Article 6, Section 3.10.)⁹ If more information on various types of bike racks is needed, please contact Dover Kent MPO.

Finally, there will need to be **accessible parking spaces** on the property. Several of these spaces should be added close to the entrance of each building, and they should be accompanied by ADA ramps. Accessible parking spaces should also be placed so that users do not have to walk into the path of approaching vehicles.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

⁷ McKee/Saulsbury Road Corridor Study Final Recommendations Report. Dover/Kent County MPO (2023). <https://doverkentmpo.delaware.gov/files/2023/05/McKee-Saulsbury-Final-Rec-Rpt-May-2-2023.pdf#page=68>.

⁸ Innovations 2050. Dover/Kent County MPO (2025). <https://doverkentmpo.delaware.gov/files/2025/01/Innovations-2050-FINAL-1-8-2025-compressed-with-cover.pdf#page=92>.

⁹ Dover Code: Appendix B, Article 6, Section 3.10. City of Dover. https://library.municode.com/de/dover/codes/code_of_ordinances?nodeId=PTIICOR APXBZO ART6OREPAD RLOFA_S3REOREPASP.

