

City of



Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 4, 2026

PLANNING COMMISSION MEETING OF February 17, 2026

Plan Title:	Bay Pointe Apartments Project (One Building Concept), C-26-01
Plan Type:	Conditional Use Site Plan
Previous Applications:	C-20-05, C-21-04
Location:	1100 Bay Road, Dover DE 19901 Southwest side of Bay Road, end of Lafferty Lane
Tax Map IDs:	ED-05-086.00-01-20.00-000
Owner/Applicant:	Patel Hospitality Properties, LLC
Combined Site Area:	3.302 +/- acres
Zoning:	C-4 (Highway Commercial Zone)
Current Use:	Vacant Land
Proposed Use:	One (1) Apartment Buildings with (54) Total Dwelling Units and associated site improvements - (38) 1-bedroom apartment units - (16) 2-bedroom apartment units
Off Street Parking:	Required – 122 spaces Proposed – 131 spaces
Water:	City of Dover
Sanitary Sewer:	Kent County Department of Public Works
For Consideration Recreation Area:	Active Recreation Area Plan Required – 10,000 SF Active Recreation Provided – 13,390 SF Recreation Area

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: February 4, 2026

APPLICATION: Bay Pointe Apartments Project (One Building Concept) at 1100 Bay Rd, Dover

FILE #: C-26-01

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, Principal Planner PHONE #: (302) 736-7196

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

I. PLAN SUMMARY

This application is for review of a Conditional Use Site Plan to permit the construction of a Multiple Family Dwelling Unit (Apartment) Building, a three-story 59,313 SF Gross Floor Area building with 54 apartment units (16 two-bedroom, 38 one-bedroom), and associated site improvements. The proposed Apartment building requires Conditional Use review in the C-4 (Highway Commercial Zone) zoning district. The three existing lots were consolidated into a 3.302 +/- acre parcel and are zoned C-4. The property is located on the southwest side of Bay Road at the intersection with Lafferty Lane. The owner of record is Patel Hospitality Properties. Property Addresses: 1080, 1100, and 1106 Bay Road. Tax Parcel Number: ED-05-086.00-01-20.00-000.

II. PROJECT DESCRIPTION

The subject property is located at the southwest side of Bay Road, with Delaware Route 1 running alongside the west and north portions of the project site, at the intersection of Lafferty Lane. The applicant proposes to construct one (1) three-story Multiple Dwelling-Unit (Apartment) Building of 54 total Dwelling Units (16 two-bedroom, 38 one-bedroom) and to be known as Bay Pointe Apartments.

The property is surrounded on the west, north and south by right-of-way for Delaware Route 1. Properties across Bay Road to the east and north of Lafferty Lane are also zoned C-4 (Highway Commercial Zone) and C-3 (Service Commercial Zone). Across Bay Road to the east and south of Lafferty Lane is the Kings Cliffe Manufactured Home Parke, which is zoned MH (Manufactured Housing Zone). Previous Application C-21-04 Bay Pointe Apartments (One-Building Concept) was approved by the Planning Commission in May 2021 and with an updated Active Recreation Plan. As the time period for the plans has expired, this application C-26-01 is a resubmission of the Plans.

Previous Applications

The subject property was previously the subject of another Conditional Use Site Development Plan with associated Lot Consolidation Plan identified as C-20-05; it was also named “Bay Pointe Apartments.” Application C-20-05 was submitted by the same Applicant and had similarly sought to develop the combined parcels as Apartments, but as two (2) Buildings. The Application C-20-05 as a two-building concept proposal similarly noted (54) total planned dwelling units (apartment) but proposed limited Active Recreation Space and showed a different drive aisle/parking space configuration design of the site. Application C-20-05 was heard by the Planning Commission at their December 2020 meeting but was not approved.

The applicant then submitted a Conditional Use Site Development Plan with associated Bay Pointe Apartments as a One-Building Concept and with an updated Active Recreation Plan identified as C-21-04. The application was approved by the Planning Commission in May 2021 and after receiving an Extension of Approval in May 2023; it then achieved Final Plan Approval on June 27, 2023. An Administration Building Permit to start the temporary site entrance and site clearing activities was issued. Since this authorized site work did not continue beyond the basic stone entrance the plan approval expired. The parcel consolidation that was part of C-21-04 was recorded.

III. ZONING REVIEW

C-4 (Highway Commercial Zone)

The application is a Conditional Use Site Plan for the proposed construction of one apartment building. Apartments and multi-family dwellings in the C-4 Zone are Conditional Uses which require approval from the Planning Commission. (*Zoning Ordinance*, Article 3 Section 16.2)

Article 3 Section 16.1 Highway commercial zone (C-4)

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Restaurants.
- (d) Personal service establishments.
- (e) Service establishments.
- (f) Hotels and motels.
- (g) Places of public assembly.
- (h) Bus terminal.
- (i) Wholesale, storage, warehousing, and distribution establishments.
- (j) Indoor or outdoor recreation and amusement establishments.
- (k) Hospitals and medical centers.
- (l) Drive-throughs.
- (m) Motor vehicle, boat, or farm equipment sales or service:
 - (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
 - (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
 - (3) Vehicle lifts or pits, dismantled and disabled automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
 - (4) All service or repair of motor vehicles, other than such minor servicing as change of

- tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
- (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
 - (6) No fuel pumps shall be located nearer than 15 feet to any street line.
 - (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
 - (n) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
 - (o) Mini-storage facilities, subject to the following regulations:
 - (1) No unit shall be placed within 30 feet of a residential property line.
 - (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when completely parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
 - (3) No individual unit may be used for retail, garage sale, or any other commercial activities.
 - (4) No storage of flammable, explosive, corrosive, or other hazardous products may occur in the individual unit.
 - (5) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office.
 - (p) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

16.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

- (a) Apartments and multi-family dwellings.
- (b) Crematory, subject to the following requirements:
 - (1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.
 - (2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one-half feet high. All landscaping shall be properly maintained throughout the life of the use on lot.
 - (3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.
 - (4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

This Conditional Use Site Plan is subject to the requirements of Article 10 §1 further discussed below.

With Conditional Use Site Plan applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The following sections of the *Zoning Ordinance* which relate to the role of the Commission in

reviewing Conditional Use Site Plan applications are particularly relevant when reviewing this application:

Article 10 §1.1 *Accessibility for emergency response*. That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 *Harmony of location, size and character*. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

IV. PARKING SUMMARY

The parking requirement for apartments in the C-4 (Highway Commercial Zone) 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 (54 units), this site would require 122 parking spaces. The submission does not indicate office space. The plans submitted identify a total of 131 parking spaces, including six (6) ADA-accessible parking spaces. The typical parking spaces are nine feet wide and the ADA parking spaces are eight feet wide. Four of the ADA spaces abut a 60-inch access isle.

The Plans only indicate there is one van accessible space provided. However, two of the six handicapped parking spaces are van accessible - sharing the 120-inch access isle, but only one is labeled as such. While the minimum required number of van accessible spaces (1) has been met, that similarly placed space could be utilized as a second van accessible space with matching signage.

The Plans note the location of the van signage in the space next to the one labeled "VAN", not in the space itself and should be moved to align with the van accessible space. Also, the van signage does not appear to comply with ADA requirements in that van accessible spaces must have two signs, the international symbol of accessibility and a second sign stating that the space is van accessible, mounted at least 60 inches above the ground (measured to the bottom of the sign). The signage shown on Sheet 11(4) has the van access sign below the 60-inch height requirement indicated for the sign above whereas the signage height should be measured from the bottom of the lowest placed sign on the mount.

Supplementary Parking Requirements

Article 6 §5.3 of the *Zoning Ordinance* lays out additional stipulations for parking specific for "Multiple Dwelling" (Apartments):

5.3 *Supplementary parking regulations for multiple dwellings*. No parking space shall be located in any front yard or within three feet of any lot line in side or rear yards. The parking of motor vehicles within 15 feet of any wall or portion thereof, is prohibited. Except for electric vehicle charging stations, no automobile service shall be permitted to be extended to users of the lot, including sales, repair or fueling, and no gasoline, oil, grease, or related supplies shall be stored or sold in any such lot or in any garage on such lot.

The plans submitted note the distance between the physical parking spaces and the main structure of the building with the closest being 15.39 feet from the main structure. Planning Staff confirms the current layout meets these parking criteria.

Bicycle Parking

Bicycle parking is required at a ratio of one space for every twenty parking spaces. If the site is to be served by 131 parking spaces, seven (7) bicycle parking spaces are required. The Data Column notes eight (8) bicycle parking spaces are planned, and the Site Plan shows them located on the northwest side of the Apartment Building in a covered bike rack.

V. SITE CONSIDERATIONS

Access

There is one entrance proposed to the site: a full access drive at the signalized intersection of Bay Road and Lafferty Lane. The design of the entrance access to Bay Road is subject to review by DelDOT, as Bay Road is a state-maintained road. The Entrance connects to the main two-way drive which loops around the entirety of the main building. Most parking spaces are shown to have direct access to this main drive aisle.

Sidewalks

Sidewalks are required along the Bay Road street frontages of the site (*Zoning Ordinance*, Article 5 Section 18). The plan shows a multi-use path of ten (10) feet in width as required along the Bay Road frontage. Sidewalk is proposed on the south side of the proposed entrance drive from Bay Road leading into the site connecting to a sidewalk that runs along the inside of the Parking Lot area and encompasses the entirety of the Apartment Building. The on-site sidewalk system connects across the Parking Lot to the north where the Plans show an Active Recreation Area is to be provided.

Pedestrian access into the Apartment Building is currently shown at the center of the western façade, as well as the southeast and northeast ends of the eastern façade. This access appears to be sufficient to access the Building from various points.

There is a multi-use pathway known as the St. Jones Greenway on the west side of State Route 1; however, it is not readily accessible from the subject property. Additionally, there are currently no other sidewalks or multi-use paths along either side of this Bay Road segment. The multi-use path proposed in this plan would be the start of a pedestrian system in this southern segment of Bay Road. However, it would not directly connect to other pedestrian-only facilities; the roadway system does have limited paved shoulders.

There are five (5) crosswalks included on the Plans: at the south sidewalk entrance across the parking lot, the north end of the building to the Active Recreation Area, across the Bay Road front entrance through the traffic islands, from the south-end of the front crosswalk island crossing from Bay Road to the island on Lafferty Lane, and across the traffic islands on Lafferty Lane. It is unclear from the Plans if the crosswalks at the intersection will also have Accessible Pedestrian Signal (APS) pushbuttons or pedestrian lights installed to facilitate safe crossing – especially crossing both Bay Road and Lafferty Lane.

Curbing

Upright curbing for the parking lots and drive aisles is required per the requirements of Article 6 Section 3.6(b) of the *Zoning Ordinance*. This curb type appears to be utilized throughout the site layout. Pedestrian connections with detectable warning surfaces are present at each of the crosswalk connections.

Lighting

Lighting is proposed throughout the site where parking is provided. Most lighting is located along the perimeter and on the parking islands in the larger parking lot area (Sheet 8). It is unclear if there will be exterior lighting on the Apartment Building itself.

Rear Emergency Access

Emergency rear access is required for some residential dwelling types. According to Article 5, Section 17 of the *Zoning Ordinance* a 16 ft. wide alley or 18 ft. wide Secondary Fire 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 Plans submitted note that the access drive aisle planned around the entire perimeter of the building is (24) feet wide which satisfies the Rear Emergency Access requirements of the *Zoning Ordinance*. It remains unclear as to which façade (west or east elevation) serves as the front (and rear) of the Apartment Building.

The Fire Marshal's Office will also evaluate these fire protection measures as related to the fire lane requirements of the applicable Fire Codes.

Dumpsters

According to *Zoning Ordinance*, Article 5 §6.12, the Dumpster requirements for an Apartment Complex are two (2) Dumpsters required for the first 48 apartments, and one (1) for each additional 24 apartments or fraction thereof. The plans submitted identify one (1) Dumpster enclosure, containing three (3) Dumpster units. This is therefore compliant with Code requirements.

The plans submitted further identify the details of the Dumpster enclosure. Specifically, it will be surrounded by an eight-foot-tall CMU dumpster enclosure. This enclosure is also shown to have gates. The gate material is stated as a wood privacy fence. The placement of the dumpster enclosure appears to be out of the 30-foot setback requirement for Article 5 §7.3 *Arterial street buffers*, but the distance of that structure from the right-of-way is not labeled on the Development Plan.

Arterial Street Buffer

According to *Zoning Ordinance*, Article 5 §7.3, a 30-foot buffer is required for nonresidential zoned property that fronts on a principal arterial street. The northwest side of this C-4 (Highway Commercial Zone) parcel abuts Delaware Route 1 and a 30-foot buffer from the right-of-way is therefore required. The same is required along Bay Road.

7.3 Arterial street buffers. Where nonresidential zoned property fronts on a principal arterial street, as designated by the comprehensive plan, a landscape buffer shall be required in addition to normal landscaping of the street right-of-way. This landscape buffer shall be required when the property is subject to site development plan review or site development master plan review by the

planning commission according to appendix B, zoning, article 10, planning commission. Arterial street buffers shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street.

The Development Plan shows the buffer as a “30-foot Arterial Street Setback” and appears to be in compliance with the ordinance.

VI. BUILDING ARCHITECTURE

The Plan submission includes Architectural Renderings presenting a single elevation noted as the “Front elevation.” The Drawing also does not include a rendering of the “rear” (west) side of the building nor the north and south ends of the structure.

The Rendering shows only one elevation, labeled “Front Elevation.” This elevation appears to be the east elevation that fronts Bay Road. There are no main entrances labeled in the rendering but rather shows a series of patios with two patio doors at ground level at the rear. It is assumed these unlabeled rear doors are specific to particular units and the one double-door entrance at the rear (west side) of the building shown on the Development Plan is the main entrance.

The exterior finish of the Apartment Building is comprised of a stone veneer at the first-floor watertable level and then horizontal siding for the remainder of the first, and then second and third levels. This siding is shown in three neutral colors: slightly lighter and darker beige colors, as well as a gray color. The exact materials proposed are not specifically identified. The horizontal lines of the siding are broken by the vertical protrusions of the balconies which are lined with white vertical trim and encased with black railings. As with the wall materials, the trim and railing materials are also not identified. The drawings show a flat roof.

VII. TREE PLANTING AND LANDSCAPE PLAN

Zoning Ordinance, Article 5 §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 the “Development Area.” With a stated overall site area of 143,857 SF, this would put their tree plantings requirement at a minimum of forty-eight (48) trees. The current landscaping plan is proposing to plant 54 new trees.

The Landscape Plan (Sheet 7) indicates that there are 0.00 AC of woodlands in the project area. However, the Active Recreation Area Plan lists the prior use as “vacant, wooded” and portions of the Existing Conditions (Sheet 2) that are to be cleared for the development currently appear to contain woodland-type vegetation (approximately 54,000 SF) and would therefore require tree preservation measures per Article 5 §16 of the Zoning Ordinance if the vegetation to be cleared meets the Article 5 §16.2 definition.

Article 5 §16.2 Definitions

Woodland. An area of contiguous wooded vegetation (7,500 square feet or greater), where trees exist at a density of at least one tree with a caliper dimension of six inches or greater per 375 square feet of land and where the tree branches form a contiguous canopy.

Article 5 §16.5 Woodland Preservation

16.51 *Tree preservation and selective clearing plan required.* All site development proposals which involve the development of woodland areas and require planning commission approval

shall include a tree preservation and selective clearing plan as part of the submission plan. The tree preservation and selective clearing plan shall be prepared in accordance with the provisions of subsection 16.5, subsection 16.7 and subsection 16.8 of this section.

The submitted plan includes the landscaping approach for the overall project. The current Landscape Plan (Sheet 7) and Existing Conditions (Sheet 2) do not include Notes or statements if the site was evaluated by a licensed professional and determined to have no woodlands present. The Landscape Plan shows a mixture of deciduous trees, evergreen trees, and flowering trees to provide a total of 54 trees, meeting the minimum requirements for non-woodland areas. The trees are proposed in groupings along the Bay Road frontage, adjacent to the building, and along the periphery of the parking lot. It appears that some of the proposed tree plantings may conflict with underground Stormwater Management Facilities.

VIII. ACTIVE RECREATION AREA

The *Zoning Ordinance*, Article 5 §10 sets out requirements for open space and recreation areas within residential developments. *Zoning Ordinance*, Article 5 Section 10.514 notes that a residential development of 10 or fewer acres with a density over six (6) units per acre shall provide Active Recreation at a rate of 150 SF of active recreation area per dwelling unit, or 10,000 SF of active recreation area, whichever is greater. As the development overall is proposed to provide 54 total dwelling units (requiring 8,100 SF), the site would be required to provide a minimum of 10,000 SF of Active Recreation Area. The Site Plan submitted shows a designated Active Recreation Area of 13,390 SF +/- provided at the north end of the site.

The Active Recreation Area includes several amenities including a gazebo with picnic table area, kayak storage, outdoor fitness area, and a sand volleyball court. A sidewalk provides direct access to the Active Recreation Area from the main Apartment Building and across the parking lot. There is also a sidewalk linkage from the Recreation Area to the multi-use path along Bay Road. There are no exterior lights within the Active Recreation Area. The Active Recreation Area proposal will also be evaluated in a separate Review Report.

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) The Planning Commission must review and make a determination regarding the Conditional Use for an Apartment Building use in the C-4 zone.
- 2) The Active Recreation Plan will reviewed by the Parks, Recreation and Community Enhancement Committee. This review is scheduled for February 10, 2026. A separate Active Recreation Area Plan Report will be issued.
- 3) Site Improvement Plan, Sheet CS-1001:
 - a. Include all bulk standards both as required and proposed.
 - b. Note the setback, parking, and tree count both as required and proposed.
 - c. Include the tree planting and landscaping figures, both as required and as proposed.
 - d. Update Site Plan for location of van accessible signage to align with van accessible

- parking space
 - e. Include labeling for all pedestrian connections and types.
 - f. Update the Site Data Column and other parcel references to reflect the parcel consolidation. The parcel number should be listed as ED-05-086.00-01-20.00-000.
- 4) CS2201 Lighting Plan:
- a) Please note if there is to be any lighting proposed on the perimeters of the buildings themselves this detail should be included on the Architectural Renderings. The Lighting Plan does not include any lighting coverage for the Active Recreation Area.
- 5) In addition to labelling the building elevation as “Front,” please also note the façade based on its relative cardinal direction (east, west, etc.).
- 6) CS0201 Existing Conditions Plan:
- a) It is noted that there is currently 1,049 SF of impervious surface on the site. Please ensure that this area is identified and quantified in the Notes column on CS0201 (Existing Conditions Plan).
- 7) CS2001 Landscape Plan:
- a) Staff recommends including notation withing the Landscape Plan that the site was independently assessed by a licensed professional for the presence of woodlands and if the vegetation to be cleared meets the Article 5 §16.2 definition. If so, include submission of a tree preservation plan with the inclusion of tree mitigation practices, as necessary. Please ensure that this is identified on Sheets CS0201 (Existing Conditions Plan) and CS2001 (Landscape Plan). If tree mitigation is required, all tree mitigation must occur on-site unless an off-site location is specifically approved by the planning commission. If an evaluation determined that there is no woodland present, please add a note to verify this on the Landscape Plan.
 - b) Ensure placement of any trees/ landscaping does not conflict with any underground utilities/ stormwater management systems and other utilities, complies with separation distances.
 - c) Please show the multi-use path.
- 8) CS6001 Site Details:
- a) Update Sheet CS6001 (Site Details) signage for the van accessible sign height to be measured from the bottom of the lowest placed sign on the mount.
 - b) Update Sheet CS6001 (Site Details) to include a “Type 1” pedestrian connection diagram identified from Sheet 3.

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

In accordance with the *Zoning Ordinance*, Article 10 §1, the Planning Commission in considering and acting upon Conditional Use Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed

intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 1.1 to 1.2.

- 1) Conditional Use for Apartments: The request is for the construction of Apartments through the Conditional Use process. The location of this residential development is in proximity to other residential areas (a manufactured home community), to a variety of commercial, service, and office establishments, and employment opportunities. The location is very close to Dover Air Force Base (DAFB) and may provide an opportunity for housing of personnel and their families. The property location is on Bay Road near an access point to Delaware Route 1 and therefore is easily accessed by vehicle but has more limited pedestrian access.
 - a) The development offers another residential housing option in the City in the form of a higher density apartment use, which supports affordable housing goals.
 - b) Evaluate and implement any building construction techniques that may be necessary to abate nearby traffic noise.
- 2) Active Recreation Area: Staff is satisfied with the proposed plan to meet the Active Recreation Area requirements provided by the Applicant. Planning Staff notes that the minimum size required for the Active Recreation for this project is 10,000 SF and the Applicant has identified an area dedicated to Active Recreation on site at 13,390 SF. Planning Staff would therefore recommend approval for the proposed Active Recreation Plan.
- 3) Multimodal/ Pedestrian Accessibility: Accessibility should be provided throughout the site to ensure all tenants have equal access to all the site's amenities and features. This should include:
 - a) At least one picnic table to be provided should have access to it provided by a sidewalk, and at least one (1) accessible space for seating.
 - b) Implement traffic control measures at the entrance area and drive aisle to facilitate movements and safe pedestrian entry.
 - c) Evaluate Landscape opportunities adjacent to the building for the privacy of 1st floor units, screening of equipment, etc. These, however, must remain compliant with fire safety requirements.

X. ADVISORY COMMENTS TO THE APPLICANT:

- 1) In the event, major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Conditional Use Site Plan contact the Department of Planning and Inspections. Examples include relocation of site components like paving and increases in floor area. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the Plan.
- 2) Following Planning Commission approval of the Conditional Use Site 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 and the other commenting agencies. Upon determination that the

Plan is complete and all agency approvals have been received; copies of the Plan may be submitted for final endorsement (Final Plan Approval).

- 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) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Building Inspections Staff and City of Dover Fire Marshal regarding these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.
- 5) The applicant/developer shall be aware that prior to any development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to clean up existing vegetation, the import of fill dirt, etc.
- 6) Construction may have an effect on the adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of potential customers or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.
- 7) The addresses for the new building proposed on the property will need to be confirmed with the City's Tax Assessment Office. It appears that the consolidation of the properties has resulted in an address of 110 Bay Road.
- 8) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.
- 9) The applicant shall be aware that Conditional Use Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. Building Permits will be required for the apartment building and the active recreation amenities (i.e. gazebo).
- 10) The applicant shall be aware that Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance*, Article 5 §4.

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: JANUARY 28, 2026



APPLICATION: Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

FILE #: C-26-01

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

1. Every commercial customer shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers. The City of Dover shall provide commercial customers with a maximum of two (2), 90-gallon trash containers and two (2), 90-gallon recycling containers.
2. Trash collection site shall be oriented for side-loading pick-up if customer is utilizing City of Dover sanitation services.
3. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.
3. Please coordinate with the City of Dover to obtain as-built information from a recent stormwater project. The installed infrastructure surrounds the property.

STREETS

1. Final site plan approval will not be granted until a letter of no objection, signed by DelDOT is submitted to our office.
2. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb. Sidewalk and curb shall be installed for the width of the project scope.
3. It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the city manager.

4. Please provide an entrance plan for the work proposed on Innovation Way. At minimum, this plan shall provide the radius' of the entrance, grade elevations and turning diagrams to provide evidence that the improvements will not be detrimental to traffic or drainage.
5. Please add the following notes to the plans:
 - a. Standard City of Dover sidewalk, as per chapter 98, article IV of the Dover Code of Ordinances, shall be required to be installed along the entire public street frontage of a property. Where frontage sidewalk exists but does not meet the standards of chapter 98, article IV, the sidewalk shall be re-laid to meet the standards. Sidewalk shall include barrier-free access ramping at points of intersection with street crossings and at other locations so as to afford reasonable barrier-free pedestrian movement and site access.
 - b. In accordance to Appendix A, Article VI, Section B.3, all sidewalks shall ascend from the curbstone to the building line at the ratio of one-quarter of an inch to the foot. Nothing in this section shall be construed to affect any pavement previously laid by order of the city council, until it is taken up and relaid.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
 - b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Water & Wastewater specifications and requirements.
 - c. The site contractor shall contact the City of Dover Department of Water & Wastewater Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Water & Wastewater must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Water & Wastewater will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. Water services shall be either type K copper or SDR-9. 1. All non-metallic water lines (mains and services) shall be installed with a tracer wire and identification tape. The wire shall be a minimum of twelve (12) gauge blue coated solid copper wire, wrapped

around the pipe, and extending up into all valve and curb boxes. The identification tape shall be six-inches (6") wide, laid one foot (1') above the pipe, with the following text: "Caution: Buried Water Line Below". 3M marker balls, model 1423-XR, or approved equal shall be installed at every service line connection to the water main and all bends on the service line.

8. On October 24, 2022, City of Dover Council approved the new Cross Connection Control Program. This program requires certain backflow prevention assemblies on water service connections to the city's distribution system. Please provide a specific description of the activities within this project.
9. A minimum of fifteen feet (15') shall be provided between the fire hydrant and fire hydrant valve.

WASTEWATER

1. The wastewater main that is existing belongs to Kent County Department of Public Works, their approval of this plan will be required prior to staff provided our final approval.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. No trees may be planted within ten feet (10') of utility infrastructure.
3. The final site plan must be submitted in the following compatible digital formats:
 - a. AutoCAD 2018 (.dwg format).
 - b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans must be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.
3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Water & Wastewater directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees will be required to be paid prior to Certificate of Occupancy for this project.

WASTEWATER

1. None.

GENERAL

1. Please provide a profile to confirm that all utilities are installed with proper clearances from the proposed storm sewer line.
2. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
3. This project will require a State Utility Permit to be submitted to Delaware Department of Transportation. This application shall be created by the developer.

Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

File #: C-26-01

January 28, 2026

Page 4 of 4

4. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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: JAN 28, 2026

APPLICATION: Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

FILE #: C-26-01

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. Any relocation or upgrade 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.
2. Owner is responsible for locating all existing underground facilities to include electric, water and gas.
3. Owner is responsible for site and/or street lighting.
4. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
5. 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.
6. All Engineering and design for Dover Electric will be engineered upon receipt of final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

GENERAL

1. Final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format), if applicable.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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 now available on the website at the following link: <https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

ADVISORY COMMENTS TO THE APPLICANT

1. Provide load sheets as soon as possible for proper sizing of transformers and creation of primary fee estimates. Current load sheets can be found at the following link:
<https://www.cityofdover.com/media/Electric%20Department/COD%20Electric%20Load%20Sheet.pdf>.
2. Electric service is currently provided by the City.
3. If any upgrade to electric supply needs to be accomplished, customer will be responsible for all costs associated with the project.

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: 01/28/26

CITY OF DOVER
FIRE MARSHAL

APPLICATION: Bay Pointe Apartments at 1100 Bay Rd

FILE #: C-26-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.us

PHONE #: (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. Proposed occupancy classification is apartments.
2. Building Access shall be no further than 50 feet from a primary entrance.

Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.4)

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)

4. Perimeter access shall be 75% and clearly shown on the plans.

Perimeter Access minimum width shall be 10 feet for one-story buildings and 15 feet for buildings of two or more stories, measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, and shall not interfere with emergency services fire ground operations.

If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.5)

Where parking is located between the building and perimeter access area, parking shall not be located closer than 10 feet to the exterior wall for one-story buildings and 15 feet to the exterior wall for building of two or more stories.

5. Fire lanes shall cover 35% (plus rear access) of the proposed building.

Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.

The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall and the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or 30 feet if over four stories in height.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5)

6. Where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.4.1)

Where parking is located between the building and the perimeter access area, parking shall not be located closer than 10 feet to the exterior wall for one-story buildings and 15 feet to the exterior wall for building of two or more stories. 2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.5.2

7. All Fire Lanes shall be marked as follows:

both the inner and outer edges of the fire lane shall be marked, where curbs are present, the top and face of the curb shall be painted yellow, where no curbs are present, a four inch (4") solid yellow demarcation line shall mark the edge(s) of the fire lane.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

8. The specific color yellow shall be the uniformly accepted yellow as utilized by State of Delaware Department of Transportation (DelDOT). Only vivid and durable paint shall be used and shall be suitable for street surfaces

9. Fire lane signs shall be located as follows:

see Figure 5-16 – Approved Sign For Marking Fire Lanes, fire lane signs shall be spaced at 150 foot intervals maximum, all fire lane signs shall be located no less than six feet (6') and no higher than eight feet (8') above the pavement, signs shall be placed at each end of the fire lane, and signs shall face all oncoming traffic.

Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs and shall conform to the specifications of 7.6.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

10. Where overhangs, canopies, balconies, or any other building or site features must project over any fire lane, an unobstructed vertical clearance of not less than 13'-6" above the fire lane shall be provided and the portion of the building perimeter which contains overhangs, canopies, balconies, or any other building features shall not apply towards the fire lane accessibility requirements of Section 4.0, Table 5-1 in this chapter.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)

11. All access roadways shall be paved and be a minimum of 20 feet clear width for two-way traffic and 14 feet clear width for one-way traffic. The paved width of access roadway shall be measured from edge of parking spaces, or face of curb for vertical curb and back of curb for mountable curb, or edge of pavement if there is no curbing. (2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 5.2)

12. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain,

climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

13. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.

14. Fire hydrants shall be installed per the requirements of City of Dover Public Utilities Water/Wastewater Handbook, NFPA requirements, and Delaware State Fire Prevention Regulations. City Ordinance Sec 46-9 (f).

5.1.1 Hydrant spacing as shown in the Fire Flow Tables shall be used as a general rule. Hydrants shall be located at the direction of the State Fire Marshal so as to minimize friction in fire hose. All hydrant spacing shall be located along available roads or at the direction of the State Fire Marshal. This measurement shall be calculated by way of accessible thoroughfare(s) from the building to be protected to the hydrant and may not necessarily be a radius. 5.1.3 Additional hydrants shall be provided when the State Fire Marshal deems it necessary based on the configuration of the site, building(s), exposures, construction, occupancy, and/or specific hazard(s).

Fire Flow table 2, hydrant spacing shall be 800 feet on center for one and two family detached dwellings, other residential, rowhouses and townhouses, assembly, health care, business, education, storage, industrial, mercantile, and mini storage. (702, Chapter 6)

NFPA 1

18.5.2 detached one- and two-family dwellings, fire hydrants shall be provided for detached one- and two-family dwellings in accordance with both of the following: 1. the maximum distance to a fire hydrant from the closest point on the building shall not exceed 600 feet 2. the maximum distance between fire hydrants shall not exceed 800 feet.

18.5.3 buildings other than detached one- and two-family dwellings, fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following 1. The maximum distance to a fire hydrant from the closet point on the building shall not exceed 400 feet 2. The maximum distance between fire hydrants shall not exceed 500 feet

15. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)

The owner is responsible if the hydrant is private.

16. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM - 1499 GPM - painted green, class B 500 - 999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black.

(2021 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)

The owner is responsible if the hydrant is private.

17. Hydrants are to be Darling Co. B-62-B Breakaway <https://american-usa.com/products/valves-and-hydrants/fire-hydrants/5-1-4-american-darling-b-62-b-5>

18. NFPA 72 compliant Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.

(City Code of Ordinances 46-171)

19. Sprinkler system required. System is to be monitored by an approved Fire Alarm System.

This chapter shall apply to all buildings, structures, marine vessels, premises, and conditions which are modified by more than 50% after the effective date of these Regulations. The 50% figure shall be calculated utilizing the gross square footage of the building, structure, marine vessel, premises and conditions as to arrive at the correct application.

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building.

In all buildings exceeding 10,000 square feet of aggregate, gross floor area.

In all buildings in excess of 40 feet in height or more than four (4) stories in height.

In all buildings or areas thereof used for the storage, fabricating, assembling, manufacturing, processing, display or sale of combustible goods, wares, merchandise, products, or materials when more than two (2) stories or 25 feet in height.

In all basement areas exceeding 2,500 square feet floor area.

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or

Type IV (2,H,H) construction exceeding three (3) stories or 3 In all residential apartment buildings storage areas except individual unit closets that are located within individual residential living units.

In all buildings used as health care occupancies as defined in the Life Safety Code, NFPA 101, as adopted and/or modified by these Regulations. In all buildings or areas classified as "high hazard" under the Life Safety Code, NFPA 101, or "extra hazard" under the Standard for the Installation of Sprinkler Systems, NFPA 13, as adopted and/or modified by these Regulations.

All buildings used as dormitories, in whole or in part, to house students at a public or private school or public or private institution of higher education. (16 Del.C. Ch. 88) This applies to all such dormitories regardless if new or existing.

(2015 State of Delaware fire Prevention Regulations, 702, Chapter 4)

Places of assembly shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 150 persons or greater.

Any interior renovations of 50 percent or more to an existing place of assembly with an occupant load greater than 150 persons.

Any additions or increase in interior size to an existing place of assembly that would create an occupant load of 150 persons or greater.

Places of assembly where alcohol is served for consumption on the premises shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

Any interior renovation of 50 percent or more to an existing place of assembly with an occupant load greater than 100 persons and where alcohol will be served for consumption on the premises.

Any additions or increase in interior size to an existing place of assembly which would create an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.
(City of Dover Code of Ordinances 46-162)

NFPA 101, 12.3.5.1 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1): 1. Dance Halls 2. Discotheques 3. Nightclubs 4. Bars 5. Restaurants 6. Assembly occupancies with festival seating

20. Fire Department Connection is to be a 5-inch storz connection on a 30-degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

21. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)
22. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
23. All standpipe and sprinkler connections shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation. All standpipe and sprinkler connections shall have minimum of four inch (4") solid yellow demarcation lines to define specific areas, Solid yellow demarcation lines shall be measured from the center line of the connection and extend for a distance of four feet (4') on both sides, and where parking is allow between the building and the street or fire lane the solid yellow demarcation lines shall extend from the end of the sidewalk surface to the street or fire lane (Markings shall not be required on the sidewalk surface).

All fire department connections (standpipe and sprinkler) shall have a minimum 12" x 18" sign that reads FIRE DEPT. CONNECTION, sign lettering shall be a minimum of 3 inches (3") in height with red scotchlite letters on white scotchlite background. The sign shall be clearly visible from the fire lane or roadway, and signs using NFPA international symbols shall be an acceptable alternative. (2021 Delaware State Fire Prevention Regulations, 705, Chapter 6, 3)
24. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

In all Class A and Class B places of assembly and institutional occupancies two (2) stories or 25 feet in height or over,

In any building over three (3) stories, In any building over 35 feet in height,

In any building that has a floor above the first floor over 10,000 square feet gross floor area,

In all buildings where the 1st floor exceeds 60,000 gross square feet,

a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.

The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses.

Standpipes shall not be more than one floor below the highest forms of staging,

The 2½-inch of hose connections on Class I systems shall be provided in the following locations, At the highest intermediate landing between floor levels in every required exit stairway,

Where intermediate landing is not provided, hose connections shall be permitted to be located at the main floor landings in exit stairways when approved by the authority having jurisdiction, Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-high-rise buildings shall be designed to provide the required waterflow rate.

A sign shall be provided at each landing, in all interior stairways, designating the floor level. (2021 Delaware State Fire Prevention Regulations 702, Chapter 4, 2)

25. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms.

Dimensions of bollards. Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however, the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection.

Color of bollards. Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/chief building inspector. (City of Dover Code of Ordinances, 46-4)

26. 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)

27. A lock box (Knox) containing any and all means necessary for fire department access shall be provided at the following occupancies: any occupancy that contains a fire alarm signaling system that is monitored off-site, or any occupancy that contains an automatic sprinkler system.
(2021 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.4)

Secured key systems. When required; exemption. A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection.

Location. The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box.

Required keys. Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required.

Ordering responsibility. It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings.

Installation before testing. No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box.

(City Code of Ordinances 46-127)

Knox Box to be mounted 6 feet above ground level

28. All required means of egress shall have an exit discharge consisting of a non-slip surface and leading to and terminating at a public way. NFPA 101
29. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2021 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)
30. Buildings over 25,000 Sq. Ft are to have radio performance testing done prior to Final CO. This must be scheduled in advance with an authorized vendor.
31. Project to be completed per approved Site Plan.
32. Full building and fire plan review is required.
33. Construction or renovations cannot be started until building plans are approved.
34. Fire alarm systems, fire suppression systems, hoods, exhaust ducts, and hood suppression systems require a fire permit from the Fire Marshal's Office. This work cannot be started until the permit is approved.
35. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
36. The following is City Ordinance, Appendix B-Zoning, Article 8 Enforcement and Penalties:

Section 1. - Building permits.

No building or structure in any district shall be erected or structurally altered without a building permit duly issued upon application to the building inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this ordinance. Any building

permit issued in violation of the provisions of this ordinance shall be null and void and of no effect, without the necessity for any proceedings for revocations or nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful (see section 4 for penalties).

1.1 No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon, or legal permanent access to, a public street improved to the satisfaction of the planning commission, or without access to a public sewer.

1.2 No building permit shall be issued for any building where the site development plan of such building is subject to approval by the planning commission, except upon approval of such plans approved by the said commission.

1.21 No building permit shall be issued for any building in a subdivision unless the subdivision plot has been approved by the planning commission.

1.3 No building permit shall be issued for a building to be used for any conditional use in any zone where such use is allowed only with approval of the planning commission, unless and until such approval has been duly granted by the said commission.

(Ord. of 7-12-1993, § 3)

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Please confirm that the islands have 14' clearance as outlined in item # 11 listed above
2. Please add a hydrant at the rear of the building

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2021 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

From: [Mobley, Will \(DeIDOT\)](#)
To: [Melson-Williams, Dawn](#); [Schwartz, Joshua \(DeIDOT\)](#)
Subject: EXTERNAL: DAC Comments 28 Jan 26 Staff Development Meeting
Date: Wednesday, January 28, 2026 5:04:46 PM

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Here are the comments from DeIDOT for the applications discussed in the DAC Committee Meeting.

AX-26-01 Lands of Fuller at 7 Nixon Ln

No objection to annexation.

AX-26-02 Lands of United Worldwide Express, LLC at 1624 North Little Creek Rd and Adjacent Two Parcels

No objection to annexation.

Z-26-01 Lands of United Worldwide Express, LLC at 1600 North Little Creek Rd and Adjacent Parcel at 0.509 AC North Little Creek Road

No objection to rezoning.

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

This project has an Entrance Plan Approval dated 5-10-23. Plan approval expires 5-10-26. Plans will need reapproval if no work is started before expiration date.

US-26-01 Dover Industrial Park Comprehensive Signage Plan

Ensure planned sign structure is outside of DeIDOT Right of Way. At a minimum the sign must be placed outside the clear zone of the state maintained frontage road and must not fall within the sight distance triangle located at the site entrance. Lastly Delaware Code 17 § 1108 Location and condition of advertising regulated. ---(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

Sincerely,

Will T Mobley III, PMP

Division of Economic Development, DELDOT

Interim Kent County Review Coordinator

Phone (302)-760-2409

Will.mobley@delaware.gov



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
FEBRUARY 2026**

APPLICATION: Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

FILE #: C-26-01

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

CITY AND STATE CODE REQUIREMENTS:

1. As the disturbance for this site will exceed 1 acre, a detailed sediment and stormwater management plan must be reviewed and approved by the District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the District's office.
2. The following notes must appear on the record plan:
 - a. The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - b. The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - c. A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

ADVISORY COMMENTS TO THE APPLICANT:

1. KCD currently has an approved plan for this project, which is valid until November 4, 2027. KCD also held a pre-construction meeting on May 7, 2024.
2. KCD will require an updated set of sediment and stormwater plans to be submitted for review and re-approval, and a 25% re-approval fee will be required at that time.
3. A letter of no objection to recordation will be provided upon approval of the Sediment and Stormwater Management Plan.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
ADVISORY BRIEF
D.A.C. MEETING DATE: 2/4/2026

**Dover/Kent
County
Metropolitan
Planning
Organization**

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

FILE # C-26-01

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
Conditional Use Site Plan Review

C-26-01 Bay Pointe Apartments (One Building Concept) at 1100 Bay Road

Dover Kent MPO recommends that the marked crosswalk connecting the eastern and western sides of Bay Road be moved southward, so that it utilizes the existing median as an area of refuge for pedestrians. Bay Road is a minor arterial with an Annual Average Daily Traffic (AADT) of 18,794 and a posted speed limit of 45 mph. Combined with the width of the road and the number of travel lanes, these conditions would make crossing Bay Road dangerous for pedestrians even with a designated crossing area. The crossing is also likely to see frequent use from residents of the new apartments. Considering that not all pedestrians will be able to cross the full length of the road within the provided time, a pedestrian refuge would be a valuable safety improvement in this location. This change to the entrance would set an example for pedestrian crossings on multi-lane roads in Dover, as there are many locations in the city with similar existing conditions. The applicant is encouraged to speak to DelDOT and Dover Kent MPO about this possibility.

The other elements of the plan address most of the issues Dover Kent MPO looks for in site plans. These elements include internal sidewalks, a shared use path along the property's frontage,



crosswalks at key locations, curb ramps, accessible parking spaces near the main entrance, bicycle parking, and a circular route around the building for trash collection and first responders. The applicant should ensure that all of these improvements follow the accessibility requirements of the City of Dover, DelDOT, and the Americans with Disabilities Act (ADA).

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.

