

City of



Dover

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

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF February 10, 2026
PLANNING COMMISSION MEETING of February 17, 2026

Plan Title:	Bay Pointe Apartments (One Building Concept)
Plan Type:	Active Recreation Area Associated with Conditional Use Site Plan C-26-01
Location:	Southwest side of Bay Road at Lafferty Lane
Address:	1100 Bay Road
Tax Parcels:	ED-05-086.00-01-20.00-000
Owner/Applicant:	Patel Hospitality Properties
Site Area:	3.302 +/- acres
Zoning:	C-4 (Highway Commercial Zone)
Prior Use:	vacant, vegetated/wooded areas
Proposed Use:	One Apartment Building with associated site improvements
Dwelling Units:	54 units
Parking:	Required: 122 parking spaces Proposed: 131 parking 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 Provided – 13,390 SF

I. PROJECT SUMMARY:

This Application C-26-01 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 property is zoned C-4 (Highway Commercial Zone) which requires approval of a Conditional Use Application for the proposed Apartment Building. The associated site improvements include a parking lot, multi-use path along the frontage of Bay Road and sidewalk connections from the parking lot to the building and from the multi-use path to the parking area. This project also includes landscaping along the Bay Road frontage and around and throughout the parking area.

Previous Application

This Apartment Building Plan was previously reviewed and approved as C-21-04 Bay Pointe Apartments in May 2021 by Planning Commission with Final Plan Approval in June 2023. That plan expired, and the applicant has submitted this new Application C-26-01 which replicates what was previously approved.

II. ACTIVE RECREATION AREA PLAN SUMMARY:

According to Article 5 §10.514 Residential developments of ten (10) or fewer acres with a density over six units per acre shall be required to provide 150 square feet of Active Recreation Area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. With this project of fifty-four (54) units, the Active Recreation Area requirement calculates to 8,100 SF which is less than 10,000 SF thus requiring the greater amount. The property is 3.302 acres; therefore, density is 16.3 dwelling units per acre.

The following table depicts the calculation of Active Recreation Area required and a summary of the amenities:

	<i>Required</i>	<i>Provided on Plan</i>
Active Recreation Area (Article 5 §10.514)	150 S.F. per dwelling unit or 10,000 SF whichever is greater to be provided on site. 54 DU = 8,100 SF Required = 10,000 SF Provided: 13,390 SF	• 13,390 SF • 248 SF +/- per dwelling unit Amenities: • Picnic Pavilion/Gazebo • Picnic Tables (5) • Outdoor Fitness Stations • Sand Volleyball Court • Canoe/Kayak Storage Other Site Improvements: • Access to sidewalk system and multi-use path • Covered Bicycle Parking rack (outdoor)

The Plans submitted include an Active Recreation Area Plan Sheet (Sheet CS1002; included as exhibit). This plan shows the extent of the planned Active Recreation Facilities on site. Located to the north of the main building and connected to the building and the multi-use path (along Bay

Road frontage) via a sidewalk, the Active Recreation Area is noted as being 13,309 SF +/- in area. It is to be comprised of a picnic area with associated gazebo and picnic tables, an area dedicated to outdoor fitness equipment, a storage facility for kayaks, and a designated sand volleyball court. These features are proposed in addition to the bicycle parking facilities (for minimum 7 bicycles), a sidewalk around the perimeter of the Apartment Building, and a connection to the multi-use path along Bay Road.

III. REVIEW PROCESS

The Planning Office has prepared this Active Recreation Area Report outlining the facilities proposed by the Applicant to meet the Active Recreation Area requirements. The Parks, Recreation and Community Enhancement Committee will need to consider the proposed Active Recreation Area proposal and make a recommendation. The Planning Commission must act to accept the proposed Recreation Area Plan as part of its review of the Conditional Use Site Plan.

The Parks, Recreation and Community Enhancement Committee will review the proposed Active Recreation Area facilities for Bay Pointe Apartments (C-26-01) at their meeting on February 10, 2026. The Planning Commission Public Hearing and Review of the Conditional Use Site Plan C-26-01 is set for February 17, 2026.

IV. CODE CITATIONS:

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

Article 5 Section 10

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

The City of Dover shall require the reservation of open space, recreation and other public facilities in accordance with the provisions of this section as a condition of approval for all one-family dwelling, two-family dwelling and multiple-family dwelling residential developments requiring conditional use approval, site development plan approval, or land subdivision approval by the City of Dover Planning Commission.

10.1 Recreation areas.

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

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

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

10.14 Recreation area review...

10.15 *Design guidelines.*

10.151 Accessible. Recreation areas shall be accessible within the development and arranged in a manner which affords reasonable access to all residents within the development. When warranted, recreation areas can be dispersed throughout the development, provided that each remote location is accessible.

10.152 Pedestrian oriented. Recreation areas shall be pedestrian oriented and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

10.153 Age oriented. The nature and scope of planned recreation areas shall reflect an awareness of, and sensitivity toward, the anticipated age groups that would reside within the proposed development.

10.154 Parking. Designs consider the need for parking facilities associated with recreation areas.

10.155 Walking, jogging and biking trails. Recreation trails shall only be counted toward the recreation area requirement when constructed as an accessory to central recreation facilities. The developed trail shall be the only area counted toward the area requirement.

10.156 Setbacks. No structure, equipment or game court surface required under this section shall be located nearer than 30 feet to any lot line of a lot to be used for residential purposes, nor nearer than 25 feet from any right-of-way line.

10.157 Landscaping. Such uses shall be landscaped in accordance with provisions of article 5, section 15, and where warranted, visual screening of parking areas, game courts, playground areas and other features as necessary to preserve and protect the interests of adjoining residential properties may be required.

10.158 Area. The minimum area of a remote recreation area shall be 2,000 square feet.

10.16 Area required. All residential developments shall provide recreational areas in a size equal to 275 square feet per dwelling unit or one-half acre of land, whichever is greater. In no case shall the commission require that more than ten percent of the gross area of the development be so dedicated or reserved when the gross area is greater than five acres.

10.17 *Cash in lieu of recreation area construction...*

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

10.51 *Exemptions for small developments.*

10.514 *Residential developments of ten (10) or fewer acres with a density over six units per acre.* These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 150 square feet of active recreation area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. If the commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash-in-lieu amount shall be in accordance with subsection 10.173 of this article.

10.7 Council approval. Prior to acceptance by the planning commission, all areas planned for public dedication, or cash donations provided under this section must be submitted to, and approved by the

parks, recreation, and community enhancement committee of the City of Dover, and shall be subject to final review and approval by [the] city council.

V. STAFF RECOMMENDATIONS

Planning Staff recommends approval of the proposed Active Recreation Area for Conditional Use Site Plan Application C-26-01 Bay Pointe Apartments. The following are comments and recommendations from the Planning Office following review of the Active Recreation Area Plan.

- 1) Active Recreation Area: As a residential development, there is a requirement for Active Recreation Area. The Plans submitted note an area of 13,390 SF to the north of the building specifically designated as “Active Recreation Area.” The features of this Active Recreation Area identified include: a Gazebo and picnic area with picnic tables and seating; a covered Kayak Storage Facility; an Outdoor Fitness Station; and a Sand Volleyball court. Staff supports the proposed Site Improvements proposed to meet the qualifications of an Active Recreation Area.
- 2) Recreation Areas: Staff recommends approval and further recommends the following regarding improving functionality and accessibility of the Active Recreation Area for the potential residents.
 - a. Accessibility:
 - i. Implement accessible sidewalks connecting from the main building, across the parking lot (including any and all required crosswalk striping, and accessible ramps on all sidewalks) to the Active Recreation Area.
 - ii. The gazebo itself should be accessible with no steps required in order to enter. This can be achieved using site grading.
 - iii. At least one picnic table should have access to it provided via a sidewalk and at least one (1) accessible space for seating.
 - b. General:
 - i. Clarify if gazebo will have interior seating.

VI. ADVISORY COMMENTS

- 1) The Conditional Use Site Plan set depicting any Recreation Areas is to include appropriate improvements, plans, and details of the Recreation Area as approved.
- 2) There shall be provisions which ensure that any proposed Active Recreation Areas shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of the common use areas or provide for and establish one (1) or more organizations for the ownership and maintenance of all common space i.e. a Homeowners Association or other property management entity. The organization shall be responsible for maintenance, insurance and taxes on the recreation areas.
- 3) In the event, that major changes and revisions to the Plan occur in the finalization of the Plan, contact the Planning Office. Examples include reorientation of building, relocation of site components, changes in floor area or unit count, or design revisions impacting Active

Recreation Areas. These changes may require resubmission for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the plan.

- 4) The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Active Recreation Area requirements.

Attachments:

- Excerpts from Site Plan set C-26-01 Bay Pointe Apartments: Site Improvement Plan Sheet (CS1001), Active Recreation Plan Sheet (CS1002) and Landscape Plan Sheet (CS2001)

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