

City of



Dover

PETITION TO AMEND ZONING DISTRICT

First Reading before the Dover City Council on November 25, 2024

Development Advisory Committee Review - Applicant DAC Meeting of December 4, 2024

Public Hearing Before the Planning Commission on December 16, 2024

Application: Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:
Rezoning C-PO/COZ-1 to IO/COZ-1

Owner: PAM Cubed Real Estate, LLC

Address: 1216 McKee Road, Dover DE

Location: Located on the west side of McKee Road and north of the intersection of
McKee Road and College Road

Tax Parcel: ED-05-067.00-01-34.00-000

Size: 1.2302 +/- acres

Present Uses: Vacant

2019 Comprehensive Plan – Land Use Category: Office

Present Zoning: C-PO (Commercial and Professional Office Zone)
COZ-1 (Corridor Overlay Zone)

Proposed Zoning: IO (Institutional and Office Zone)
COZ-1 (Corridor Overlay Zone)

Reason for Request: Rezoning the property for a future expansion of the existing hospital (Post
Acute Medical (PAM) Health Rehabilitation Hospital of Dover)

File Number: Z-24-06

Ordinance Number: 2024-31

I. APPLICATION SUMMARY:

This Rezoning Application is for a parcel of land consisting of 1.2302 acres +/- . The property is zoned C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning for the property is IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the west side of McKee Road and north of State College Road. The owner of record is PAM Cubed Real Estate, LLC. Property Address: 1216 McKee Road. Tax Parcel: ED-05-067.00-01-34.00-000. Council District 1. Ordinance #2024-31.

Existing Property:

The property is currently a vacant tract of land with frontage along McKee Road. This application only seeks rezoning of the property from CPO to IO; the COZ-1 (Corridor Overlay Zone) zoning designation will remain. The applicant is seeking rezoning to allow for future development of the property. Any redevelopment of the site will be subject to a separate application submission for plans or permits.

Previous Applications:

A Demolition Permit (#21-132) was granted for the demolition of the previous single family detached dwelling located on the property. The subject property was previously part of a series of four properties fronting on McKee Road that were rezoned from R-8 (One Family Residence Zone) to CPO (Commercial and Professional Office Zone) as part of the Comprehensive Rezoning 2009 Project. The property became subject to the COZ-1 (Corridor Overlay Zone) with the creation of that zone in the 1990s.

Surrounding Land Uses

The surrounding parcels are zoned a mix of institutional, commercial, and industrial: IO (Institutional and Office Zone), C-PO (Commercial and Professional Office Zone), and C-2A (Limited Central Commercial Zone). The property to the north is the location of the Post-Acute Medical (PAM) Rehabilitation Hospital and is zoned IO. The property to the south is a multi-tenant commercial building with retail establishments and offices. To the west is a residential area zoned R-8 (One Family Residential Zone) which consists of the Emerald Pointe Subdivision and a one family detached dwelling fronting on College Road. Across McKee Road to the northeast are several residential parcels located in Kent County and there is also a vacant tract at the northeast corner of the intersection (1205 McKee Road) zoned C-2A. The properties that front on McKee Road are subject to the COZ-1(Corridor Overlay Zone).

II. COMPREHENSIVE PLAN COMPLIANCE REVIEW

In the *2019 Comprehensive Plan*, the Land Development Plan (Map 12-1) recommends that this property be used for Office and Office Parks. The goals and policies for Office Areas are listed in the *2019 Comprehensive Plan* excerpts presented below (page 12-18):

Office Parks

The Land Development Plan designates specific tracts of land of various sizes for Office and Office Park land uses. Office Park development involves an integrated development of office buildings with shared entrances, driveways and parking. The majority of uses permitted within an Office Park are generally weekday professional office uses involving very little or no activity at night or on weekends. For this reason, the Office Park designation may be viewed as a transitional use category when situated between more intense commercial and industrial land uses and residential land uses. This designation usually involves the C-PO (Commercial/Professional Office Zone) zoning district.

These areas are located throughout the City with established office concentrations in the Enterprise Business Park, along Silver Lake Boulevard, on College Park Drive, along Old Rudnick Lane, the Northgate Center, and elsewhere. Scattered office uses are also located along Saulsbury/McKee Road and within designated “Mixed Use” areas in the Eden Hill Farm Traditional Neighborhood Design (TND). Smaller scale areas for office parks are the Woodbrook complex on South Governors Avenue, office complexes along Walker Road, and areas along Route 8.

The Rezoning Request to IO (Institutional and Office Zone) is consistent with the Land Use Classification of Office and Office Parks. Table 12-1: Land Use and Zoning Matrix (from the *2019 Comprehensive Plan*) specifies that the following zones are compatible with this Land Use classification. See the excerpt from Table 12-1 given below.

Office and Office Parks	CPO (Commercial and Professional Office) IO (Institutional and Office) IPM (Industrial Park Manufacturing) RGO (General Residence and Office)
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III. ZONING REVIEW

Request for IO (Institutional and Office) Zoning

The following code excerpt of the IO zoning district is provided from Article 3 §10 of the *Zoning Ordinance*.

Article 3 Section 10. Institutional and office zone (IO).

- 10.1 *Uses permitted.* In an institutional and office zone (IO), 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) Business, professional, or governmental offices.
 - (b) Banks.
 - (c) Research, design, and development laboratories.
 - (d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.
 - (e) Public utility rights-of-way and structures necessary to serve areas within the city.
 - (f) Child day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.
 - (g) Emergency shelters and transitional housing.
 - (h) Adult day care facilities provided they are established in accordance with all applicable state regulations pertaining to adult care and provided that they are established and maintained in accordance with article 5, section 22 of this ordinance.
- 10.2 *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) Firearm ranges, prisons, and correctional facilities.
 - (b) Public incinerators.
 - (c) Hotels and restaurants.
- 10.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.
- (a) Clinics, cafeterias, and recreational facilities.
 - (b) Motor vehicle storage and repair facilities accessory to a public or institutional use.

- (c) Restaurants that are on a campus and intended to support users of the campus.
- 10.4 *Uses prohibited.* The following uses are prohibited:
 - (a) Landfills, dumps.
- 10.5 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants approved by the city planner.
- 10.6 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.
- 10.7 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

COZ-1 (Corridor Overlay Zone)

The provisions of the COZ-1 (Corridor Overlay Zone) are established to “promote superior urban corridor development and the highest quality-built environment.” There are a series architectural, parking, and landscaping guidelines that would be required by the COZ-1 zoning district, if development of the property is proposed. The purpose and requirements of the COZ-1 (Corridor Overlay Zone) are given in Article 3 §27 of the *Zoning Ordinance*. See the following code excerpt.

Article 3 Section 27. – Corridor Overlay Zone 1 (COZ-1)

- 27.1 *Purpose.* The corridor overlay zone (COZ) is established for the following reasons:
 - (a) To promote superior urban corridor development and the highest quality built environment;
 - (b) To foster coordination and linkage among corridor properties and with adjacent lands;
 - (c) To preserve the functionality and efficiency of the roadway for traffic movement; and
 - (d) To achieve a visually balanced streetscape environment which is friendly to the pedestrian and motorist alike.
- 27.2 *Superior urban design.* For the purposes of this ordinance the term "superior urban design" shall meet the following criteria:
 - (a) Superior urban design places a strict and primary importance on the pedestrian. The concept should lend itself to interconnectivity while presenting building structures as aspects of the street, not simply islands existing in the "sea of roads". The design should encourage fewer car-trips, as well as promote automobile trips on an interconnected local street system rather than trips that utilize the arterials. In demonstrating superior urban design, an applicant must show that the plan presented exceeds the requirements of the zoning ordinance in at least two of the following areas:
 - (i) Transportation amenities for bicycles, pedestrians and transit that exceed those required by the zoning ordinance;
 - (ii) Architectural features including, but not limited to: LEED-certified buildings; unique architecture not replicated in other locations; use of architectural elements such as entry porticos, porte-cocheres, colonnades, cornices, porch columns and balusters,

band courses, coins, water tables and other trim that enhances visual quality and function of the structure; and use of the highest-quality construction materials.

(iii) Landscaping that exceeds the requirements of this section, including robust use of trees, shrubbery, and flowering plants to screen parked cars; water gardens and ponds; arboretums; tree preservation measures;

(iv) Public spaces and art including, but not limited to, sculpture, memorials, murals, public court yards and pocket parks, and fountains;

(v) Green technologies for stormwater management, as well as green energy technologies such as geothermal heating and cooling and solar energy supplies.

(b) The city planner shall develop policy guidance on how the concept of superior urban design will be evaluated.

27.3 Zone boundaries. The COZ encompasses the lands adjacent to the following roadways as outlined on the City of Dover Zoning Map as set forth in [article 2](#), section 2 of this ordinance:

(a) Delaware Route 8 (Forrest and Division Streets) from the railroad tracks in a westerly direction to the city limit line.

(b) McKee/Saulsbury Road (County Road 156) from the intersection at Dennys Road (County Road 100) in a southerly direction to the terminal intersection with West North Street (County Road 73).

27.4 Permitted uses. Land use shall be governed by those provisions of this ordinance related to the specific zoning district designations of each property as depicted on the zoning map.

27.5 Site development plan approval. Site development plan approval in accordance with [article 10](#), section 2 shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change in use. When the zoning district regulations specify that a particular use requires conditional use approval in accordance with [article 10](#), section 1, the provisions of that article shall apply. Site development plans and conditional use site plans for properties within the COZ shall reflect compliance with the development guidelines of this article, in addition to all other applicable codes and regulations.

27.6 Development guidelines.

27.61 Setbacks:

a. Front yards.

	Residential	Nonresidential
	Min. Max.	Min. Max.
McKee/Saulsbury	60' to 80'	40' to 50' *
Route 8—Artis Drive to Mifflin Road	60' to 80'	None
Route 8—Mifflin Road to Saulsbury Road	40' to 60'	40' to 60' *
Route 8—Saulsbury Road to R.R. line	20' to 30'	20' to 30'
Subdivision streets	(Setback provisions of article 4 shall apply)	

* When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the proposal involves a superior urban design, the maximum setback may be increased to no more than 90 feet from the property line on Route 8 from Mifflin Road to Saulsbury Road and on McKee and Saulsbury Roads.

27.62 Building placement. Buildings shall be situated on the property so as to maximize the use of the frontage along the roadway and shall have the longest side of the building arranged parallel and square to the roadway. When the applicant can demonstrate to the satisfaction of the planning commission that, due to specific constraints related to lot configuration, alternative building placements may be permitted.

27.63 Parking.

(a) *Location.* Parking shall not be permitted to be situated within the front yard, nor between the right-of-way line and the building, except in the following instances:

- (i) Automobile service stations;
- (ii) Properties in a shopping center (SC) zoning district, in which case, parking may be permitted between the building and the roadway, provided that such parking [shall] be limited to five rows of single parking spaces between the road and the storefront;
- (iii) When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the design presented involves a superior urban design, parking may be permitted between the building and the street, provided that such parking within this area shall be adequately landscaped and screened from the roadway.

(b) *Required number of spaces.* See specific district requirements in [article 4](#).

(c) *Layout.*

- (i) Parking lots shall be arranged in such a manner so that not more than 20 parking spaces in a row shall be permitted without a landscaped island. No more than six rows of 20 spaces shall be provided without provision for a landscaped median. Parking islands shall be a minimum of ten feet wide and planting medians shall be no less than eight feet wide.
- (ii) There shall be a landscaped buffer area of at least 12 feet in width between the building and parking lot and drive areas. The buffer area shall include provisions for a sidewalk of at least six feet and no greater than eight feet in width. The buffer area and sidewalk shall be grade separated from the parking lot by concrete curbing of at least six inches in height.

(d) *Landscaping.* Design shall be simple and easy to maintain and shall consist of a combination of hardy canopy trees, low evergreen shrubs and turf grass, and shall be designed in accordance with landscape guidelines set forth in [article 5](#), section 15 of this ordinance and as follows:

- (i) *Interior landscaping.* A minimum of five percent of the interior area of a parking lot shall be reserved for landscape purposes. This provision shall include the landscaping of all required parking islands and medians. Shade trees shall be incorporated within the landscaped islands whenever and wherever practicable.
- (ii) *Parking lot screening adjacent to public right-of-way.* Low profile screening shall be required when parking spaces would result in vehicles facing onto the roadway. Screening may consist of a low wall, evergreen hedge with a minimum height of two feet at the time of planting, planted three feet apart on center, and a maximum height of three feet at maturity, or earth berm. Should a low wall be used, such wall shall be

accompanied by evergreen shrub plantings on the roadway side of the wall and spaced ten feet apart on center.

(iii) *Reserved.*

27.64 *Site access.*

(a) *Entrance width and radii.* Site entrances shall have a minimum width of 24 feet. Entrances involving a median divider shall be at least 35 feet in width. Entrance radii shall be a minimum of 15 feet and a maximum of 25 feet.

(b) *Number of entrances and curb cut spacing.* One curb cut shall be permitted for each street which abuts a site. For sites with street frontage in excess of 300 linear feet, one additional curb cut may be permitted. For sites with street frontage in excess of 600 linear feet, two additional curb cuts may be permitted.

Multiple curb cuts on a property shall have a minimum spacing distance in accordance with the following schedule:

Speed Limit	Maximum Spacing (Ft.)
25	105
30	125
35	150
40	185
45	230
50	275

(c) [*Shared access.*] Shared access shall be provided, whenever possible, for entrances to adjoining uses, including residential driveways.

(d) [*Cross access.*] Cross access shall be provided among abutting uses of similar use categories, whenever possible, to provide linkage between properties as an alternative to re-entering the corridor to access both existing and future neighboring properties.

(e) *Entrance locations for adjoining properties.* Commercial site entrances shall be no closer than 25 feet to an adjoining property which is zoned residential and no closer than ten feet to an adjoining property which is in a nonresidential zoning category.

27.65 [*Signs.*] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

27.66 *Building height.*

(a) Buildings shall be limited in overall height to 35 feet and shall not exceed two stories.

27.67 *Open space and landscaping.*

(a) *Lot coverage.* Each lot shall have a minimum of 25 percent of the lot area dedicated to be landscaped open space. A lesser amount of landscaped open space may be permitted when it can be demonstrated to the satisfaction of the planning commission, through the site plan review process, that, due to lot configuration and existing built conditions, the required minimum is impractical.

(b) *Frontage*. Each lot shall have a landscaped open space of at least 25 feet in width, measured from the back of curb along the entire frontage of the lot, except at points of site access. Trees shall be provided along the frontage perimeter at a minimum rate of one tree for each 50 linear feet of frontage.

(c) *Side and rear yards*. A minimum of 15 feet of landscaped open space shall be provided along all side and rear lot lines when abutting a residential use and a minimum of five feet when abutting a nonresidential use. Tree plantings shall be provided along all nonfrontage perimeters at a minimum rate of one tree for each 75 linear feet.

(d) *Stormwater detention ponds*. Detention ponds may be counted toward the minimum 25 percent open space area, provided that such ponds are designed to emulate natural features by incorporating irregular outline, gradual slopes (no greater than 1:4), and appropriate landscape plantings.

(e) *Landscaping*. Landscaped open spaces shall be designed in accordance with the provisions of this section, as well as the landscaping guidelines as set forth in article 5, section 9 of this ordinance.

(f) *Screening*. The following items shall be located so as to minimize visibility from the roadway, adjacent properties and other public areas, and shall be screened from public view:

- (1) Service bays;
- (2) Loading docks and platforms;
- (3) Rooftop utilities;
- (4) Satellite dishes;
- (5) Dumpsters;
- (6) Storage areas.

(g) *Standard for tree plantings*. Trees shall be of a high canopy variety and shall be limbed to a minimum height of 12 feet above grade at maturity.

(h) *Standards for shrubbery*. Shrubby shall be of a low evergreen variety and shall be limited to use as foundation plantings and for screening purposes.

(i) *Standards for ground cover*. Ground cover shall be limited to turf and ornamental grasses and ornamental evergreen ground cover plantings within required landscape areas.

27.68 *Lot configuration*. All lots within the corridor overlay district created after the enactment of this section shall conform to the following:

- (a) Minimum lot area [shall be] 10,000 square feet. Service stations [shall have a minimum lot area of] 20,000 square feet.
- (b) Minimum lot depth shall be 100 feet. In the C-3 (service commercial) district, the minimum lot depth shall be 150 feet.
- (c) Minimum road frontage shall be at least 100 feet. In the C-3 (service commercial) district, the minimum road frontage shall be 150 feet.

27.69 *Architectural review*. The side of any building which faces the corridor (or corridors) shall be referred to as the "corridor elevation." Buildings in the COZ-1 shall be designed to front on the corridor, and the corridor elevation shall contain architectural elements traditionally associated with the front of a building. Blank walls without functioning windows are prohibited along the corridor. Windows must be incorporated into the overall design concept of the corridor elevation. Providing one or several small windows on a large corridor elevation shall not constitute compliance with this ordinance.

A "functioning window" shall be defined as a window which lets light into the interior of the structure, and is integrated and related to the interior layout of the space. In addition to functioning windows, the corridor elevation shall have the following elements:

- (a) A primary entrance door or doors (except for loading doors).
- (b) A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.

In addition, the corridor elevation shall have one of the following elements:

- (a) Landscaping integrated into the building design concept.
- (b) Architectural or urban design elements which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
- (c) Architectural relief, such as vertical and horizontal offsets in exterior wall elevations, band courses, lintels and sill courses, cornices, and the like, to create shadow lines.

The applicant shall submit 12 copies of the corridor elevation at the time of application. The city planner or his/her designee shall determine whether compliance with the provisions of this ordinance has been achieved.

27.7 Properties located on a corner lot with two frontages within the Corridor Overlay Zone. When a property is located on the corner of two corridors within the Corridor Overlay Zone, only one of the two corridors shall be subject to the requirements of Section 27.61 Setbacks and Section 27.63 Parking, Subsection (a) Location. The frontage of the property on which the identifiable front of the building is located shall be the frontage that is subject to the requirements of Section 27.61 And Section 27.63, Subsection (a). In designing the site, in order to qualify for the relief under this subsection, the applicant must demonstrate to the satisfaction of the planning commission that the design incorporates the principles of superior urban design as defined in Section 27.2.

IV. RECOMMENDATION OF THE PLANNING STAFF:

This Request is to rezone lands from C-PO (Commercial and Professional Office Zone) to IO (Institutional and Office Zone). The current CPO zone is mainly commercial in nature with the zoning district permitting offices, banks, and medical laboratories type uses with other commercial uses only allowed through a conditional use review process when the use is accessory to a permitted use on the same lot. The C-PO zone also allows for conditional use review to create residential uses in the form of apartments, multi-family residences, and one-family residences. While both zones are commercial in nature, the IO Zone generally does not allow for residential dwelling units instead focusing on offices, public buildings, places of public assembly, institutional uses, and recreation related facilities. The additional uses in the IO zone beyond office uses are similar to the uses in the surrounding area such as schools and institutional buildings. The IO zone also allows for uses including Child Day Care Centers and Adult Day Care Facilities that would be allowed in any zone per the *Zoning Ordinance*, Article 5 §22. In the IO zone, the allowable residential uses are related to institutional facilities like housing at colleges, emergency shelter facilities, and transitional housing (allowed by definition in a single-family house setting).

As part of the process to change the zoning district of a property outlined in *Zoning Ordinance*, Article 10 Section 5, the City Planner must evaluate the following factors when considering the request:

Article 10 § 5.22 *City planner report*. For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

(B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

Staff recommends that the Rezoning be granted to IO (Institutional and Office Zone). The proposed zoning is consistent with the *Comprehensive Plan* for the Office and Office Parks Land Use Category classification, as it fits the goals of the Comprehensive Plan by grouping similar institutional activities together and will likely provide essential services. Rezoning to IO is one of the possible zoning districts eligible for consideration in this Land Use Category classification.

Staff also recommends that the property remain subject to the COZ-1 (Corridor Overlay Zone) due to its frontage on McKee Road. The purposes of the COZ-1 are to promote superior urban corridor development; to foster coordination and linkage among corridor properties; to preserve functionality and efficiency of the roadway for traffic movement; and to achieve a visually balanced streetscape environment friendly to the pedestrian and motorist. (*Zoning Ordinance*, Article 3 §27). The COZ-1 includes a number of additional buffers/setbacks, landscaping enhancements, and site layout design requirements which will be required as part of any proposed development activities on the parcel.

The Comprehensive Plan attempts to put employment centers adjacent to main transportation routes. There is existing infrastructure for water, sanitary sewer, and electric services in the vicinity of the property (and could be expanded if necessary); and the police, fire, and emergency medical services already service the area.

This Rezoning Request does not grant approval of a specific use for the property but makes its land use subject to a listing of uses permitted and potential conditional uses as allowed in IO (Institutional and Office Zone) zoning district. Were the application for Rezoning to be recommended by the Planning Commission and subsequently approved by the City Council, the applicant would still have to submit plans and/or permits for review for most uses of the site to be established.

This recommendation is being made without the benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

V. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

This Rezoning Application is a request for a zoning map amendment which changes the zoning district of a property. The Planning Commission as part of their public hearing and review process will provide a recommendation on the rezoning request to City Council. As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the Planning Commission must evaluate the following factors when considering the request:

Article 10 § 5.36 *Report of the planning commission.* Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

A Recommendation Report from the Planning Commission will be forwarded to City Council for their consideration of the Rezoning Application.

VI. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The applicant shall be aware that approval of any Rezoning application does not represent Site Development Plan or Subdivision Plan. Following any decision made by City Council regarding this Rezoning, then an application for a Site Plan, Subdivision Plan, and/or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a use, development activity, or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.
- 2) The applicant shall be aware that approval of any Rezoning application does not represent a Building Permit, Demolition Permit, Sign Permit, or other construction activity permit approval. A separate application submission is required before issuance of permits by the City of Dover.
- 3) The applicant shall be aware that any future use and/or buildings may be subject to a separate permitting or licensing processes through the City of Dover Licensing and Permitting Division. All businesses operating in the City of Dover are required to obtain a City of Dover Business License. Certain types of uses also require a Public Occupancy Permit or Rental Dwelling Permits.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: NOVEMBER 27, 2024



APPLICATION: Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:
Rezoning C-PO to IO

FILE #: Z-24-06

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

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

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 / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. Our office has no objections to the proposed rezoning of tax parcel ED-05-067.00-01-34.00-000. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook and the Specifications, Standards & Procedures for Public Works Construction. Impact fees may be applied to this property. Future development shall comply with all aspects of the City of Dover's Cross Connection Control Program.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

SANITATION / STREETS / STORMWATER / WATER / GENERAL

1. None

WASTEWATER

1. When this site is developed, an evaluation of the downstream wastewater pump station must be conducted by the developer. Upgrades may be required by the developer.

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: Nov 27, 2024

APPLICATION: Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:
Rezoning C-PO to IO

FILE #: Z-24-06

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Shawn Burgett, Engineering Services & System Ops 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

Our office has no objection to the rezoning of: ED-05-067.00-01-34.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric and meters will be assessed at that time.
2. Any redevelopment shall adhere to the City of Dover's Electric Service Handbook.
<https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

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

Z-24-06

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 11/27/24

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APPLICATION: Lands of PAM Cubed Real Estate LLC at 1216 McKee Rd

FILE #: Z-24-06

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. Proposal is a rezoning application. This office has no objections.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

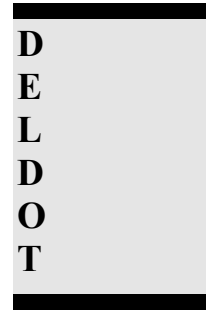
1. N/A

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.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY



APPLICATION: Lands of PAM Cubed Real Estate, LLC

FILE#: Z-24-06

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. DelDOT has no objections to the rezoning.



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
DECEMBER 2024**

APPLICATION: Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road

Rezoning C-PO to IO

FILE #: Z-24-06

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:

Kent Conservation District has no objection to the proposed rezoning for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

Soil disturbance (e.g. clearing, grading, excavations, tree clearing, or stoning) equal to or greater than 5,000 square feet requires a Sediment and Stormwater Management Plan to be submitted and approved by the Kent Conversation District prior to the commencement of disturbance.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 12/4/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road: Rezoning C-PO to IO

FILE # Z-24-06

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

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
Zoning Review

Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road: Rezoning C-PO to IO

Dover Kent MPO does not have any objections to the proposed rezoning. Further comments will be given when the site is developed.

Note that in terms of transportation connectivity, there is already a shared use path for pedestrian and bicycle access along the property's frontage. This path runs north to south on McKee Road. Because of this, there are no serious connectivity gaps.

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.



From: [Hughart, Jared](#)
To: [Melson-Williams, Dawn](#)
Subject: EXTERNAL: DAC Nov 27 meeting notes- Chesapeake
Date: Wednesday, November 27, 2024 9:58:19 AM

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.

Hello,

Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:

- Any new construction will need to confirm it will not be built over the existing service to the neighboring building.
- Any new service laterals will need to be modeled per PSC prior to construction, please contact Jhughart@chpk.com

S-24-20 Office Building of Ditko Properties, LLC at 1107 S. Bradford Street

- Any new service laterals will need to be modeled per PSC prior to construction, please contact Jhughart@chpk.com

MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street

- Will need to contact Chesapeake Utilities for any service lateral retirements.
- It appears no main is located in the alley way, engineering would be able to confirm Gjones@chpk.com

Thank you and Happy Thanksgiving!

Jared Hughart

Chesapeake Utilities

500 Energy Lane

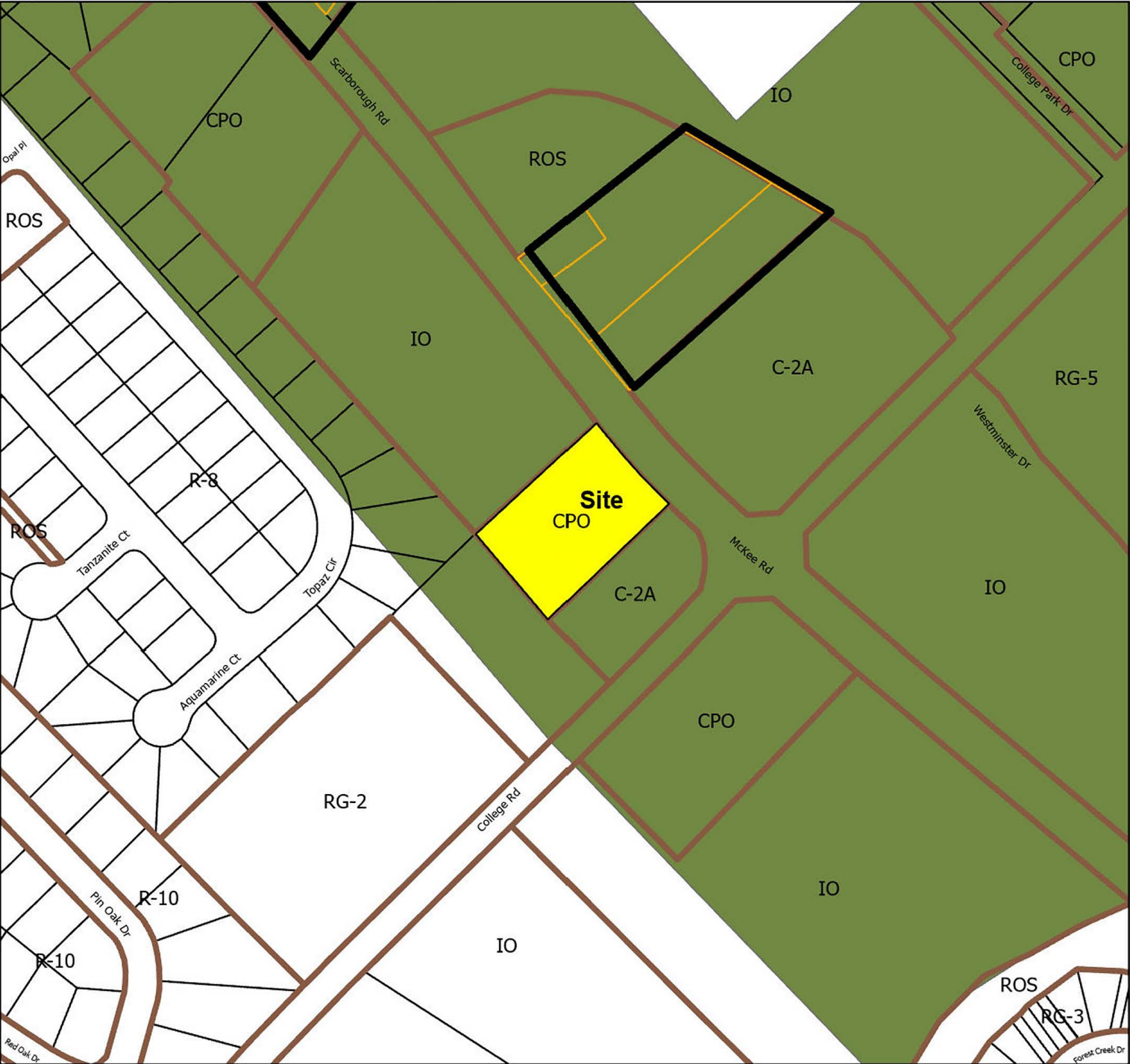
Dover, DE 19901

Cell: 302-943-3468

www.chpk.com

NEW METER requests must go through: Install@chpk.com

Chesapeake Utilities Corporation (“Chesapeake Utilities”) is an energy delivery company publicly traded on the New York Stock Exchange under the ticker symbol “CPK” (NYSE: CPK). Chesapeake Utilities is not, nor has it ever been, affiliated with Chesapeake Energy Corporation. This email, together with any attachments, is intended only for the use of the party to which it is addressed and may contain information that is proprietary, privileged, confidential, and/or otherwise protected by law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this email or its contents is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to the message, and permanently delete this email from your computer and destroy all copies of it.



Title: Rezoning Lands of PAM Cubed Real Estate, LLC 2024-31
Ordinance #: 1216 McKee Road
Addresses: ED05-067.00-01-34.00-000
Parcel ID: C-PO (Commercial & Professional Office Zone) and COZ-1
Existing Zoning: IO (Institutional & Office Zone) and COZ-1
Proposed Zoning: PAM Cubed Real Estate, LLC.
Owner: 11/14/2024
Date:



Legend

- Subject Property
- Dover Boundary
- Zoning
- Dover Parcels
- Kent County Parcels
- Corridor Overlay Zone