



DATA SHEET FOR RECREATION PLAN REVIEW
Review of Active Recreation Area Plan – Request for Waiver of Cash-in-Lieu

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF April 14, 2026
PLANNING COMMISSION MEETING of April 20, 2026

Plan Title:	Lands of Lupe N. Fuller, 7 Nixon Lane, SB-26-01
Plan Type:	Minor Subdivision Plan
Location:	East side of Nixon Lane to slightly north of North Little Creek Road
Address:	7 Nixon Lane, Dover, DE 19901
Tax Parcel:	Tax Parcel: ED-00- 068.19-01-28.00-000 (New Tax Parcel Number to be assigned)
Owner:	Lupe N. Fuller
Site Area:	41,526 SF +/- (0.9533+/- acres)
Zoning:	R-8 (One Family Residence Zone)
Current Use:	Residential – One Family detached dwelling on existing lot
Proposed Use:	Residential – Existing One Family detached dwelling on Lot 1 Lot 2 and Lot3 – Future Residential
Parking:	Required: 2 off-street parking spaces per dwelling unit Proposed: 2 off-street parking spaces per dwelling unit
Water and Sewer:	City of Dover
Recreation Area Requirement:	To be based on new Lots (Lot 2 and Lot 3) which consist of 12,642.85 SF and 12,766.73 SF that are proposed for development. (Development Area size is 25,409.58 SF.)
For Consideration:	Request for Waiver of Cash in Lieu of Recreation Area Construction • Consideration of Determination of Suitability under <i>Zoning Ordinance</i>, Article 5 §10.171 • Small Development Exemption under <i>Zoning Ordinance</i>, Article 5 §10.511

I. PROJECT SUMMARY:

This Application is the review of Minor Subdivision Plan for a parcel of land totaling 41,526 SF+/- (0.9533 acres +/-) located at 7 Nixon Lane to be subdivided into three (3) lots. From south to north, Lot 1 is 0.3700 acres +/-, Lot 2 is 0.2902 acres+/-, and Lot 3 is 0.2931 acres +/- . The property is zoned R-8 (One-Family Residence Zone). Lot 1 is currently developed with a one-story single-family home, and Lots 2 and 3 are undeveloped. The property is located on the east side of Nixon Lane to slightly north of North Little Creek Road. The property was annexed into the City of Dover on March 9, 2026 (Application AX-26- 01). The property owner is Lupe N. Fuller. Property Address: 7 Nixon Lane, Dover, DE 19901. Tax Parcel: ED-00- 068.19-01-28.00-000 (new tax parcel number to be assigned). Council District 3. *For Consideration: Active Recreation Plan Review – Request for Waiver of Cash in Lieu.*

II. ACTIVE RECREATION AREA PLAN SUMMARY:

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

This is a Minor Subdivision Plan Application that the Planning Commission will review. It proposes the existing parcel be divided into three lots. It does not designate any recreation area but the development of Lot 2 and Lot 3 is expected to have yard areas surrounding each (future) single family detached dwellings as each lot is over 12,000 SF in size. Lot 1 includes an existing single family detached dwelling. The Applicant has requested consideration of a waiver of the Cash in Lieu payment; see Statement.

Exemption to Recreation Area and Open Space Dedication

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

III. REVIEW PROCESS

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

The Parks, Recreation and Community Enhancement Committee will review the Recreation Area Plan at their meeting on April 14, 2026. The Planning Commission Public Hearing and Review of the Minor Subdivision Plan SB-26-01 is scheduled for April 20, 2026.

IV. CODE CITATIONS:

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

Article 5 §10 describes the requirements and purpose of an active recreation plan. 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:

Article 5 §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.

There are currently no recreation facilities identified on the proposed Minor Subdivision Plan. Article 5 §10.17 describes an option for Cash in lieu of Recreation Area construction and determination of its suitability. This determination of suitability allows for consideration of proximity to existing recreation facilities, land characteristics, and if beneficial to residents. Additionally, Article §10.5 provides additional guidelines for Exemptions for Small Developments. See code excerpt below:

10.17 Cash in lieu of recreation area construction.

10.171 Determination of suitability for cash donation. If the commission determines that the construction of recreation is not practical due to close proximity to existing available recreation facilities or infeasible due to natural characteristics of the land or will not benefit the residents of the development, the commission shall require a full or partial cash in lieu of areas of donation to be made by the developer in lieu of a full or partial dedication of land.

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

10.51 *Exemptions for small developments.*

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

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

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

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

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

V. STAFF RECOMMENDATIONS

The following are comments and recommendations from staff of the Planning Office following review of the Active Recreation Area Plan and the Applicant's Request for Waiver of the Cash in Lieu payment.

- 1) The *Zoning Ordinance* allows for a determination of suitability and consideration for a full or partial Cash in Lieu donation. The subject lots are located approximately 500 feet from the boundary of Dover Park while the main park entrance is located off White Oak Road. Dover Park is an approximately 28.2-acre park with tennis courts, pickleball courts, basketball courts, softball field, playgrounds, disc golf course, pavilions shuffleboard courts, and walking paths.
- 2) The subdivision project is located on the east side of Nixon Lane to slightly north of North Little Creek Road as a grouping of three (3) Lots totaling 41,526 SF +/- (currently a one-story single-family home on Lot 1, with Lot 2 and Lot 3 as undeveloped). The Development Area would be the area of Lots 2 and 3 which totals 25,409.58 SF in size.
- 3) Staff notes that a Cash donation in lieu of an Active Recreation Area may be appropriate for this project as allowed under the Small Development exemptions. With the exemption, the construction of Active Recreation Area is not required at the subject site. Instead, a Cash in Lieu donation is made based on a calculation related to the appraised value of the land area.
 - a. The Applicant must provide a copy of the land appraisal to the Planning Office.
 - b. Under the Small Development exemption, the Cash in Lieu Amount is equal to 10% of the appraised value of gross land area. The gross land area is the development area of 25,409.58 SF (Lots 2 and 3). The Cash in Lieu Amount is unknown.
- 4) Due to the number of lots, size and proximity of the lots to Dover Park, Staff recommends that consideration be given to the Applicant's request for Waiver of the Cash in Lieu payment or consideration of accepting a partial (reduced) Cash-in-lieu payment.
 - a. The Cash in Lieu payment donation is placed in the Parkland Reserve Account which is a separate account to be used for parks, playgrounds, or recreational purposes. It is paid prior to issuance of Building Permits.

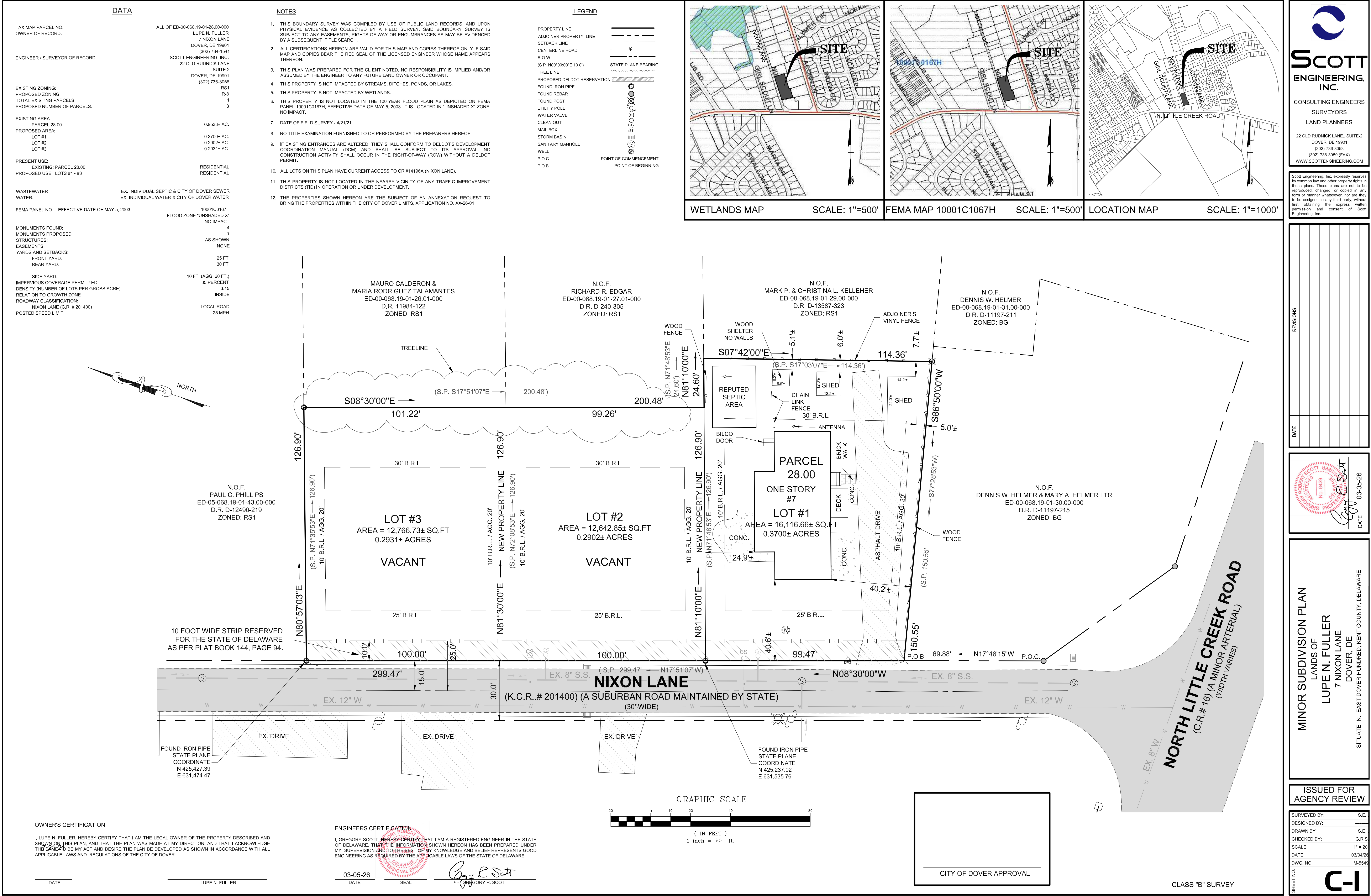
VI. ADVISORY COMMENTS

- 1) The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area requirements.
- 2) In the event, major changes and revisions to the Plan occur in the finalization of the Plan contact the Planning Office. Examples include reorientation of buildings, relocation of site components, changes in lot count, or design revisions impacting Active Recreation Area requirements. 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.
- 3) The applicant shall be aware that Recreation Area Plan approval does not represent a site development or subdivision approval, a Building Permit, and associated construction activity permits. A separate application process is required for review and approvals for development activity from the City of Dover.

Attachments:

- SB-26-01 Minor Subdivision Plan sheet submission
- Statement: Request for Waiver of Cash in Lieu of Recreation Requirements
- Aerial Map of Subject Site and Proximity to Dover Park

Note: The 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.



**Request for waiver of Cash In Lieu of Recreation requirements for lands of 7
Nixon Lane
Z 26-01**

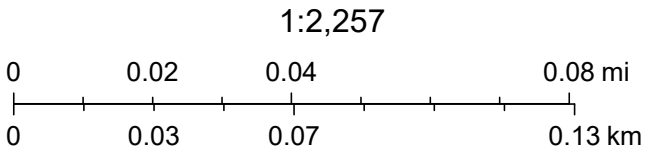
Due to the close proximity of Dover Park we are requesting the Waiver of the Cash in Lieu for parks. This land was originally 3 separate lots. We are simply putting this back to the original lots and providing 2 new residential R-8 zoned homes for Dover residents.

Planning & Inspections View Map



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-  Dover_Boundary
-  Parcels Outside Dover
-  Dover Parcels



VGIN, Microsoft, Vantor