CITY OF DOVER PLANNING COMMISSION
July 20, 2026

The Meeting of the City of Dover Planning Commission was held on Monday, July 20, 2026, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Vice-Chairwoman Mrs. Denney presiding. Members present were Mr. Lewis, Mr. Roach (virtual), Mrs. Maucher, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Mr. Reaves (virtual) and Mrs. Denney. Mr. Witham resigned from the Planning Commission effective July 2, 2026 leaving one vacancy.

Staff members present were Mrs. Dawn Melson-Williams, Mr. Alex Dewey, and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA
Mrs. Maucher moved to approve the Agenda as presented, seconded by Mrs. Welsh and the motion was carried 8-0 by voice vote.

APPROVAL OF MEETING MINUTES OF JUNE 15, 2026
Mrs. Welsh moved to approve the Planning Commission Meeting Minutes from June 15, 2026, seconded by Mrs. Maucher and the motion was carried 8-0 by voice vote.

COMMUNICATIONS & REPORTS
Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, August 17, 2026 at 7PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on June 22 & 23, 2026 and July 13 & 14, 2026.

Mrs. Melson-Williams stated that this is Mr. Dewey's second meeting as a member of the Planning Staff. So, if you didn't get a chance to meet him last month, he is a Planner I in our office.

SPECIAL RECOGNITION
Resolution for the Service of Mr. William L. Witham Jr. on the Planning Commission.

Resolution

Whereas, William L. Witham Jr. became a member of the City of Dover Planning Commission by appointment on January 8, 2024 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest; and,

Whereas, William L. Witham Jr. has played a role in ensuring fundamental fairness and careful forethought in the planning and development of the Capital City through his service on the Planning Commission; and,

Whereas, William L. Witham Jr. served in the position of Chair of the Planning Commission since his election to the position on August 19, 2024 through the present; and,

Whereas, William L. Witham Jr. has influenced the pattern and appearance of development in Dover through his actions to ensure compliance with the City's *2019 Comprehensive Plan* as adopted; his participation in the review and implementation of various text amendments to the *Zoning Ordinance*; his concerns for the public's health, safety, and welfare when considering applications; and,

Whereas, William L. Witham Jr. completed his service on the City of Dover Planning Commission on July 2, 2026.

Now Therefore Be It Resolved That, the City of Dover Planning Commission does hereby express its sincere appreciation to **William L. Witham Jr.** for his faithful and diligent service to the Citizens of the City of Dover as an active member of the City of Dover Planning Commission and extends its very best wishes to **William L. Witham Jr.** in his continued service to the community.

Mrs. Maucher moved to approve the Resolution for Mr. William L. Witham Jr as she is sad to see him leave because he was a great member of the Commission and has done a great job, seconded by Dr. Jones and the motion was carried 8-0 by voice vote.

Mr. Witham stated that he deeply appreciates this Resolution. He is not sure that he deserved all of those allocates, but he will take them without argument. As he indicated earlier, it was really a pleasure for him to serve on the Commission, and he appreciates every one of you here who assisted him in learning the game. He doesn't think he has served on any body that has been more generous and more thoughtful about serving the public.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the In-Person Meeting and Virtual Meeting using the Webex system.

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: none

NEW APPLICATIONS

AX-26-03 Lands of Johnson at 102 Fox Hall Drive - Public Hearing and Review of an Annexation Request and Rezoning Request for a parcel of land totaling 1.6390 acres +/- located at 102 Fox Hall Drive. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed Zoning is R-20 (One Family Residence Zone). The property is located on the south side of Fox Hall Drive to the west of but not adjacent to Kenton Road. The annexation category according to Dover's 2019 Comprehensive Plan is Category 1: High Priority Annexation Area and the land use designation is Residential Low Density. The property owners are Frances and Bruce Johnson. Property Address: 102 Fox Hall Drive. Tax Parcel: ED-00-076.05-01-06.00-000. Proposed Council District 1. Ordinance #2026-13. *The First Reading of this Annexation Request was completed on June 8, 2026. Public Hearing before the Planning Commission is scheduled for July 20, 2026 and City Council on August 10, 2026.*

Representative: Mr. Bruce Johnson, property owner

Mr. Dewey stated that this is application # AX-26-03 and the property address is 102 Fox Hall Drive. The lot size is about 1.64 acres. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County and contains a single family detached dwelling on the property. The applicant is currently seeking R-20 (One Family Residence Zone) as part of their Annexation request into the City. The *2019 Comprehensive Plan* for the City designates the property as a Category 1: High Priority Annexation Area and the plan's Land Use Category is Residential Low Density. The property is already continuous to land in the City of Dover which makes it actually eligible for consideration of annexation. With all Annexations, we primarily look at the Land Use Category which is planning for the types of land use for a particular area. This is identified as Residential Low Density. The R-20 (One Family Residence Zone) does match up with the Land Use Classification. The property location is shown on the screen at 102 Fox Hall Drive. It is located actually in the northwest quadrant of Dover. The property lies about 3 miles west of the St. Jones River and it sits between the local watershed of Fork Branch to the north and the Puncheon Run to the south. The lot rests in a semi-wooded and suburban micro-environment. Off to the west, there is actually a property that is annexed already into the City of Dover and it is in R-20 (One Family Residence Zone). It is not shown on the page but if you would like to see that, we can bring that up. Planning Staff is recommending approval of the Annexation. For one, it is in an enclave. That will help fill one of the holes within the City of Dover's boundary. It is also R-20 (One Family Residence Zone), which the applicant is seeking. So, it is consistent with other developments in the area surrounding this parcel which include a number of residential zones such as R-20 (One Family Residence Zone) and R-8 (One Family Residence Zone). Thirdly, it is predominantly in a zone with other single-family dwellings. The Planning Commission is charged with reviewing this for a recommendation. It is a request for Annexation and Rezoning. They need to evaluate three factors when looking at the Rezoning. The first is whether the uses are permitted in the proposed zone change that would be compatible with the existing uses and zones in that area. The second is whether there are adequate public services and infrastructure that actually exists in the area or can be reached to serve this area. The third is whether the proposed change is in accordance with the City's *Comprehensive Plan*. The DAC Report also includes comments from the Department of Water/Wastewater and Public Services. In this case, the property is currently being served with electric from the City. The applicant has worked with the City's Department of Water/Wastewater for procedures on permitting and impact fees in order to make the connection with water and sewer. Also, the Fire Marshal's Office has no particular comments at this time, and the other agencies include DelDOT and the Kent Conservation District. They really have no objection to the Annexation as well as the Dover/Kent County MPO.

Mr. Johnson stated that as far as Mr. Dewey's presentation, the only mistake is that the annexed property is to the east of us not the west. (Staff Note: There are lands to the east that are in the city already. There is a property further west at the end of Fox Hall Drive that was annexed in 2021.) He thinks it is pretty clear why he is here. They are looking to hook up to City sewer and by doing that, we need to also hook up to the water.

Dr. Jones asked if Mr. Johnson was in agreement with the comments coming from Planning Staff and that there are some costs associated with some of the services that you are responsible for.

Responding to Dr. Jones, Mr. Johnson asked for an example of what an upgrade to the property would be.

Mrs. Melson-Williams stated that a couple of the agencies noted that if for some reason in the future there was an additional development beyond the single family house that is there now; and that you understand that there other implications to that including fees that would be related to additional sewer and water connections and things of that nature should you look to divide this lot in the future. She knows that you are not interested in that; but you have a single-family house there on somewhat of a larger tract for most properties here in Dover.

Mrs. Denney opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Dr. Jones moved to recommend approval to City Council for AX-26-03 Lands of Johnson at 102 Fox Hall Drive on the basis of the fact that it is compliant with the Comprehensive Plan and the Priority Annexations and also based upon DAC comments and the recommendation from Staff, seconded by Mrs. Welsh.

Mrs. Melson-Williams stated that she just wants to clarify the motion. In the case of an Annexation, you are the recommending body so you are recommending its Annexation and that as noted in the DAC Report that the property be zoned R-20 (One Family Residence Zone). Responding to Mrs. Melson-Williams, Dr. Jones agreed.

Dr. Jones moved to recommend approval to City Council for AX-26-03 Lands of Johnson at 102 Fox Hall Drive on the basis of the fact that it is compliant with the Comprehensive Plan and the Priority Annexations and also based upon DAC comments and the recommendation from Staff and to include the zoning of R-20 (One Family Residence Zone), seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote. Dr. Jones voting yes; everything seems to be in order and there are no real wrinkles in this application. Mr. Reaves voting yes; for reasons previously stated. Mrs. Welsh voting yes; for reasons stated by Dr. Jones. Mr. Lewis voting yes; based on Staff recommendations. Mr. Roach voting yes; based on Staff recommendations and comments from Dr. Jones. Mrs. Maucher voting yes; based on DAC comments and Staff recommendations. Mr. Baldwin voting yes. Mrs. Denney voting yes; in keeping with the recommendations of the Planning Commission and she thinks that this application for this property to be added as R-20 (One Family Residence Zone) to this development is a great idea and is keeping with our Comprehensive Plan.

<u>MI-26-08 Request for Street Abandonment: Liberty Street</u> – Public Hearing and Review for Recommendation to City Council of a request for abandonment of a portion of the improved street known as Liberty Street (Road C) located between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. Boulevard South. Liberty Street consists of a right-of-way width of sixty (60) feet, a length of approximately 319.45 feet, and 19,186 SF (0.4405 acres +/-) in area. The street to be abandoned is adjacent to the parcel at 411 Legislative Avenue, Dover DE as the location of Legislative Hall owned by the State of Delaware. *This Request is associated with Site Plan Application S-24-19 Legislative Hall Building Addition.*

Representative: Mr. Brett Martine, Century Engineering

Mrs. Melson-Williams stated that this is a Request for Street Abandonment. In this situation, the Planning Commission is part of the process as a recommending body. The State of Delaware Office of OMB Division of Facilities Management has made this Request. The location of the street, known as Liberty Street and Road C, is located on the east side of Legislative Hall. Legislative Hall is at the address of 411 Legislative Avenue. The next image on the screen shows us the current location of the "U" shaped Legislative Hall Building and to the east of it is the statue and then the parking lot area and then an additional tract that is a little bit of a landscaped area. Liberty Street actually traverses through this parking lot area and it is generally aligned with the drive aisle for that parking lot. With the concept for an addition to Legislative Hall, when we looked at that back in 2024, we discovered this right-of-way that actually bi-sects two parcels associated with Legislative Hall. Upon research, it showed that it was actually street right-of-way and that proper abandonment process involves the Planning Commission and then ultimately City Council. So, the request was made and as part of that process we do look at what is going on in that existing area. While this is street right-of-way, it truly does not, in format look like your typical street. It's really just the drive aisle and other paved areas of this parking lot area. She will note that it is associated with the Site Development Plan Application S-24-19 which is the Legislative Hall Building Addition that is proposed. Planning Staff is recommending abandonment of this right-of-way area known as Liberty Street so that could allow for potential re-development associated with the proposed project at Legislative Hall. They note that any abandonment should be conditioned on the appropriate planning for relocation of any utility infrastructure that may be found in this right-of-way as well as other related items with any site development plan. The Planning Commission tonight will need to hear from the representative of the application. They will need to conduct a public hearing and then provide a recommendation on this Street/Alley Abandonment. That recommendation will be forwarded to the City's Utility Committee and then ultimately to City Council. They did provide some advisory comments regarding this Street Abandonment. Depending on the timing thereof, there may need to be parcel consolidation and potential for either utility relocations or easements if such items are found in that area. With our participating reviewers from the Development Advisory Committee, probably the most significant one is related to the Department of Water/Wastewater. There is a City water main that runs along the eastern edge of this right-of-way area. For the utilities on the electric side, they did not have anything in this area. The Fire Marshal's Office certainly notes that this area currently is an access area for emergencies and that any new addition plan associated with expansions at Legislative Hall would need to plan for appropriate fire lane coverage and emergency access. DelDOT and the Dover/Kent County MPO also provided advisory comments as well.

Mr. Martine stated that he represents Century Engineering and they are doing the civil engineering work for this Legislative Hall Addition and need to do this in order to complete that Addition which includes the expanded plaza area that is on display now. With the Building Addition pushing out about 100 feet from the existing structure today, the fire lane will still be established. The fire lane is a critical part of the safety of the building itself. The abandonment of Liberty Street really just consolidates the wedge and the already existing property for the building. They have seen the DAC comments, and they have addressed a good majority of them. The only ones that they are still working out are the potential water line that they are looking to abandon that does go through the sliver part to the east. They are currently working with the Public Works group with our utility engineers to abandon that and reroute that to the back side (the west side of the building) to give the water pressure the correct cubic flow of water to flow on that side and of course computation and modeling that will happen within the City will verify whether or not that is appropriate for our proposed design.

Mrs. Maucher stated that she had a few questions about the DAC comments. First, from the Fire Marshal they indicate that they are using it for emergency access and they need that access to continue. Do you agree with that usage? Responding to Mrs. Maucher, Mr. Martine stated yes.

Mrs. Maucher further stated that she is a little confused by the DelDOT comment. She presumes that it is not a State maintained right-of-way. Responding to Mrs. Maucher, Mr. Martine stated no, Liberty Street is actually City of Dover and then both of the properties on the east and west of Liberty Street are state-owned. So once the abandonment of Liberty Street happens, they will just consolidate that through survey and deeds through the County.

Mrs. Denney stated that when you abandon that street, will there still be parking there? There are staff and representatives of the government that park there. Will that completely abandon their parking, or will it still have parking but just be private? Responding to Mrs. Denney, Mr. Martine stated that there will still be parking along Martin Luther King Jr Boulevard North and South and then the Legislative Avenue to the west, but parking within that abandoned area will no longer be needed due to the Parking Garage that just broke ground about two weeks ago.

Mrs. Denney opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Mrs. Welsh moved to recommend approval to City Council for application MI-26-08 Request for Street Abandonment: Liberty Street, seconded by Mr. Michael Lewis.

Mrs. Maucher stated that she knows that the Staff recommendation will have some conditions placed upon approval. Is that included in the motion? Responding to Mrs. Maucher, Mrs. Welsh stated yes, it will be now.

Mrs. Welsh moved to recommend approval to City Council for application MI-26-08 Request for Street Abandonment: Liberty Street to include all Staff recommendations, seconded by Mr. Michael Lewis and the motion was carried 8-0 by roll call vote. Mrs. Welsh voting yes; the request is appropriate for the compliance needs to complete the addition to the Legislative Hall Building. Mr. Michael Lewis voting yes. Mr. Roach voting yes. Mrs. Maucher voting yes; based on DAC comments and Staff recommendations. Mr. Baldwin voting yes; based on the forementioned statements. Dr. Jones voting yes; based upon previous comments. Mr. Reaves voting yes; based on the DAC comments and the reasons previously stated. Mrs. Denney voting yes; it is completely necessary as part of the expansion of Legislative Hall.

NEW BUSINESS

Annual Meeting of the Planning Commission (Nomination and Election of Officers and

Appointments to Subcommittees)

Mrs. Melson-Williams stated that as part of the By-laws of the Planning Commission, the meeting in July is deemed the Annual Meeting. As part of the Annual Meeting, those activities include the election of officers. One thing that she will note is that at the present time, the annual appointments or re-appointments have not been made by the Mayor and City Council, so the Planning Commission may wish to defer these Annual Meeting activities including the election of officers until a later date when that has been completed. Currently, Mrs. Denney serves as the Vice Chair and your previous Chair, Mr. Witham had to resign. She will be happy to answer more questions about that. If the Commission wants to move forward with the election of officers, Staff stands ready to address how that works here. But in the light of the fact that you are currently missing one appointed seat and also the reappointments have not transpired yet, she would suggest that you consider deferment of the election process for your officers.

Mrs. Maucher moved to defer voting on Officers until appointments and reappointments have taken place, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote. Mrs. Maucher voting yes. Mr. Baldwin voting yes. Dr. Jones voting yes. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mr. Lewis voting yes. Mr. Roach voting yes. Mrs. Denney voting yes.

Mrs. Melson-Williams stated that included in the Annual Meeting is also the appointment of the Architecture Review Oversight Subcommittee for the Planning Commission. Currently, Mrs. Welsh, Mr. Roach and the Mayor or his designee serve on that Committee and then there are two members of the design professional world; previously, Dr. R.J. Chandler and Ms. Sarah Keifer have been those appointees. Typically, at your Annual Meeting you appoint that membership but she thinks that you can certainly defer action on that as well waiting for all of the other appointments to happen.

Mr. Roach stated that he doesn’t mind deferring. He knows that they don’t usually meet, but whether we defer action or he gets reappointed, it’s fine. He knows that the last few times that they have met over the past 4-5 years, it has not been anything major. It is up to the pleasure of the Commission.

Mrs. Maucher asked if Staff has reached out to Dr. Chandler and Ms. Keifer to see if they are interested in continuing and if not, maybe that could happen in the interim if we do defer action. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that Planning Staff has not reached out to those two individuals but they can certainly do that task so that you would stand ready to know their availability at a future meeting.

Mrs. Maucher moved to defer action on the appointment of the two seats of the Architectural Review Oversight Subcommittee and also that Staff reach out to the design professionals to gage their interest in continuing, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote. Mrs. Maucher voting yes. Mr. Baldwin voting yes. Dr. Jones voting yes. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mr. Lewis voting yes. Mr. Roach voting yes. Mrs. Denney voting yes.

PUBLIC COMMENTS OPPORTUNITY

There was no one wishing to provide comments.

Meeting adjourned at 8:10 PM.

Sincerely,

Kristen Mullaney
Secretary