STAFF RECOMMENDATION REPORT
January 7, 2021

Application # : CS-21-01
Site Plan Title : Drive-Thru Restaurant Camden
Zoning District : BG (General Business)
Relation to Growth Zone : Inside
Present Use : Vacant
Proposed Use : Restaurant (Drive-Thru)
Proposed Improvements : 2,200 sf Restaurant with DriveThru
Area and Location : 1.2± acres located on the east side of S. DuPont Highway (US Rt. 13) and the west side of Palmer Rd., approx. 108’ south of Voshells Mill Star Hill Rd., east of Camden

I. STAFF RECOMMENDATION

Staff recommends CONDITIONAL APPROVAL based on the information submitted as the application demonstrates compliance with Kent County Code.

A. CODE REQUIREMENTS:

1. §205-27 requires that refuse and containers may not be visible from outside of the screening and the height of the screening may not be less than that of the refuse or containers. Please provide a detail of the screening that meets this requirement on the plan.

2. The building side setback is 20’ with an aggregate of 50’. The plan accurately reflects the building side setback. However, the Data Column requires correction.
3. All requirements, regulations, and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.

4. The Levy Court may impose any other appropriate or stringent conditions it deems necessary to protect the health, safety, and welfare of the neighborhood.

C. RECOMMENDATIONS:

1. The Community Design Chapter of the 2018 Comprehensive Plan recommends that signage for non-residential uses be compatible with the area and remain unobtrusive while still conveying the message. There are two shopping centers to the south of the subject site, one anchored by Walmart and the other by Lowes. The outparcels to these shopping centers each have one monument-style sign fronting South DuPont Highway, which is less impactful to the roadway. Examples are shown below:

   ![Signage Examples]

   In order to maintain continuity among similar uses along South DuPont Highway, Staff recommends that the detached signage be limited to one monument-style sign. The top of the sign should not be taller than 8 ft. above grade and shall remain static in nature (no electronic variable signage permitted). The detached sign’s maximum size shall not exceed the requirements of §205-236.A.(2). Based on where the sign is shown on the preliminary site plan, the sign may be as large as 48 sq. ft. If the sign would be moved 10 ft. further from the front property line, the sign may be as large as 99 sq. ft.

   This recommendation is not meant to limit the applicant from any attached signage permitted under Article XVIII Signs.

2. Landscaping should include trees and shrubs that are both native and non-invasive to Delaware. Honey Locust is considered “potentially invasive” per the DISC Invasive Plant List, and non-native per the Delaware Species Conservation & Research Program Report dated March 2018. Staff recommends replacing the Honey Locust on the Landscaping Plan with a species that meets both criteria.

3. Staff recommends the Commission consider the Site Design Characteristics for nonresidential development outlined in the 2018 Comprehensive Plan, including the following:
• Architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like should be used to create shadow lines.

• Elements such as service bays, loading docks and platforms, rooftop utilities, satellite dishes, dumpsters, and storage areas should be screened from view.

• Chain stores, fast-food restaurants, gas stations and convenience stores, and big-box retailers must design buildings that match the character of the area.

In order to achieve compatibility with similar uses in the area, Staff recommends the structure on the subject site have its exterior design off-set with at least two distinct materials. In addition, to add depth to a flat wall, window awnings must be included as a feature to the façade of the building. These design elements were found on similar businesses in the area shown here:

The applicant has submitted an architectural rendering for the RPC’s review (see attached drawings). The design shows a metal material along the roof line above floor-to-ceiling glass. This is offset by a painted wall for the remainder of the façade. In addition, a flat metal awning is included over the drive-thru lane and the metal/glass portions of the building. The design is consistent with the Staff recommendations made above. The applicant shall submit architectural drawings consist with the recommendation as part of final approval of the site plan.

4. Prior to final plan approval, all outside agency requirements must be met.

II. ADEQUATE PUBLIC FACILITIES ORDINANCE

The Emergency Medical Services, School, and Central Water Service are not applicable to this application because those standards only apply to residential subdivision and land development.
With respect to the Roads element of the Adequate Public Facilities Ordinance, Staff has determined that road capacity exists to serve the proposed development. The Ordinance provides that if a proposed land development meets any one of the following criteria, a Traffic Impact Study shall be conducted:

a. The proposal exceeds the projected average daily traffic warrants provided in DelDOT’s “Rules and Regulations for Subdivision Streets” as amended;
b. The proposal is projected to generate more than more than fifty (50) peak hour trips, excluding traffic passing by the subject property, unless the project is located in a DelDOT Special Study Area or District as designated by mutual agreement between Kent County and DelDOT;
c. The area of influence of the subject property includes roadway segments and intersections currently operating below the level of service C; or
d. The proposed development causes the total number of dwelling units within the Traffic Analysis Zone (TAZ) to exceed the projected totals set forth in the Dover/Kent County MPO Transportation Improvement Plan.

Paragraph (d) deals with increasing the number of dwelling units within the TAZ. This application will not add any dwelling units to the TAZ and this paragraph is not applicable to this application.

The proposal is for a nonresidential land development and the applicant has indicated that the project will not generate more than fifty (50) additional peak hour trips. The applicant has indicated the net peak hour trips will be 22 a.m. trips and 10 p.m. trips. This would not require a Traffic Impact Study to be completed.

The ordinance provides that the area of influence shall extend beyond the site entrance to include additional intersections to the extent that the total projected peak hour site traffic exceeds 1% of the AADT on arterial roads. South DuPont Highway (U.S. Rt. 13) is considered a principal arterial road. DelDOT states that the AADT for this section of South DuPont Highway (U.S. Rt. 13) is 32,379. Because the net peak hour trips do not exceed one percent (1%) of the AADT (323), the area of influence does not extend beyond the site entrance.

The proposed project is compliant with the Adequate Public Facilities Ordinance.

III. BACKGROUND INFORMATION:

- The Kent County Comprehensive Plan recommends that the subject property be utilized for highway commercial purposes. The property is zoned BG (General Business). This zoning district provides for fast food and drive-thru restaurants as a conditional use for approval by the Levy Court through the Conditional Use / Site Plan process. If approved, this plan will comply with the 2018 Comprehensive Plan and the BG zoning district requirements.
• The 1.2 ± acre subject site is currently vacant. The applicant is proposing to improve the parcel with a 2,200 sq. ft. building and a drive-thru lane. Based on the size of the proposed building, Kent County Code requires a minimum of 22 parking spaces to support this use. The applicant is proposing 29 parking spaces, which exceeds the minimum requirement.

• The plan indicates that this parcel is served by Kent County Sanitary Sewer District and Tidewater Utilities.

• The character of the area is predominantly commercial in nature along US Route 13 with a high-density residential subdivision, Palmer Park, located south and east of the subject site. Waffle House is the current commercial use adjacent to the northern side of the subject site and will share cross-access with this proposed use.

• The applicant met with members of the Planning staff in a pre-application meeting to review this land use application where the Conditional Use with Site Plan approval process was discussed.

• A general layout of the proposed landscaping is provided for the site which meets all tree planting, buffering, and screening requirements of the Kent County Code.

• There have been three previous Planning applications on the subject site:
  o C-19-01 approved a conditional use for a Permanent Food Truck (Chick-Fil-A) in 2019.
  o Z-79-41 rezoned 1.25 acres from RM (Multifamily Residential) to BG (General Business) in 1979.
  o CZ-09-01 rezoned 0.29 acre from RM (Multifamily Residential) to BG (General Business) in 2009.

IV. AGENCY COMMENTS:

A. DELAWARE DEPARTMENT OF TRANSPORTATION – Contact Joshua J. Schwartz

Comment:
1. The project has had a pre-submittal meeting with DelDOT.
2. The project shall be required to receive Record and Entrance Plan approval from DelDOT.

B. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIV.
Contact: Brian Hall, Engineering Project Manager II

Requirement & Source:
1) Ex. Property is “legally” located in KCSDD1, Tidbury Branch Area, and this property is “technically” served by Kent County Sanitary Sewer (SS) via gravity means.
2) Proposal must proceed in accordance with all applicable provisions of the Kent County Code, specifically Chapters 128 (Fees) & 180 (SS Standards).

Comment:
1) The Engineering Division grants “Conditional Approval”.

V. OWNER/DEVELOPER:

The owner/developer shall be aware of and be prepared to comply with all comments regarding this project as stated in this report. All comments must be addressed in the final plan prior to final approval. Final approval of the plan must occur within 24 months from the date of preliminary plan approval. Failure to obtain final approval shall nullify the plan. Letters of “No Objection to Final Approval” from the following agencies will be required prior to final approval:

1. DelDOT, Division of Highways
2. Kent Conservation District
3. Office of the State Fire Marshal
4. Kent County Division of Public Works

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to Levy Court in this matter.

ENC: Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Plot Plan (cropped)
Architectural Renderings
Preliminary Site Plan and Landscape Plan
DATA SHEET FOR CONDITIONAL USE WITH SITE PLAN

Regional Planning Commission Public Hearing of: **Thursday, January 7, 2021**

Regional Planning Commission Business Meeting of: **Thursday, January 14, 2021**

Levy Court Public Hearing of: **Tuesday, January 26, 2021**

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<thead>
<tr>
<th>Application # / Title</th>
<th>CS-21-01, Drive-Thru Restaurant Camden</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>InSite Real Estate Investment Properties, LLC Attn: Ben Strasser 1400 16th Street, Ste 300 Oak Brook, Illinois 60523</td>
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<tr>
<td>Owner</td>
<td>5M Investors, LLC Attn: Frank Massuli, Managing Member 25 Tamarac Court Dover, DE 19904</td>
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<tr>
<td>Engineer</td>
<td>Bohler Engineering VA, LLC Attn: Steve Fortunato, P.E. 18958 Coastal Highway, Ste D Rehoboth Beach, DE 19971</td>
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<tr>
<td>Other Contact</td>
<td>McGinnis Commercial Real Estate Attn: Phillip McGinnis 555 E. Loockerman Street Dover, DE 19904</td>
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<td>Present Zoning District</td>
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<td><strong>Parking Spaces</strong></td>
<td>22 Required; 29 Proposed</td>
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<td><strong>Wastewater</strong></td>
<td>KCSDD No. 1</td>
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<td><strong>Levy Court District</strong></td>
<td>5th – Jody Sweeney</td>
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<td><strong>School District</strong></td>
<td>Caesar Rodney</td>
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<td><strong>Fire District</strong></td>
<td>Camden-Wyoming</td>
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APPLICANT:
InSite Real Estate Investment Properties, LLC

OWNER:
5M Investors, LLC

ENGINEER:
Bohler Engineering VA, LLC

PRESENT ZONING DISTRICT:
BG (General Business)

PRESENT USE:
Vacant

PROPOSED USE:
Restaurant (Drive Thru)

LEVY COURT DISTRICT:
5th - Sweeney

TAX MAP NO:
NM-00-094.15-04-16.00-000

LOCATION:
1.2+ acres on the east side of S. DuPont Highway (US Rt. 13) and the west side of Palmer Rd., approx. 108 ft. south of Voshells Mill Star Hill Rd., east of Camden.