

Kent County



Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT June 1, 2017

Application Number	:	CS-17-06
Site Plan Title	:	Sharp Energy, Inc.
Present Zoning District	:	BG (General Business District)
Present Use	:	Office / gas dispensers / outdoor storage
Proposed Use	:	Same with new building and site design
Property Identification Number	:	LC-00-046.00-01-32.00-00001
Area and Location	:	1.934 ± acres located on the west side of N. Dupont Hwy. (US Rt. 13) approx. 950' south of Twin Oaks Dr., southeast of Cheswold

I. STAFF RECOMMENDATION:

The staff recommends **CONDITIONAL APPROVAL** based on the information submitted as the application demonstrates compliance Kent County Code.

A. Code Requirements:

1. Add the Kent County Planning Services file number CS-17-06 to the title block of the site plan.
2. A final plan must be approved with 18 months of preliminary plan approval and construction must commence within 18 months of final plan approval.

A. Recommendations:

1. The 2007 Comprehensive Plan for the County has a recommendation in the Transportation chapter that states: *“Provide businesses with adequate access to labor by encouraging affordable multi-modal transportation options including*

separate pedestrian and bicycle facilities.” The plan is providing sidewalks along the road frontage to connect with existing pedestrian networks and has a sidewalk from this network to the front door of the proposed building. This will help support the pedestrian portion of this recommendation, but to help encourage bicycling to and from this site, the staff recommends that a bike rack be placed on the site near the front door of the building. Although Rt. 13 may not have a designated bike lane, there is a bus stop immediately to the south of the subject site, which would allow employees or customers to bike to their stop then ride the bus to this location and have a safe place to lock their bike.

2. The applicant has supplied architectural renderings of the proposed building as part of this application. The staff recommends a few modifications to those designs to help the building have a striking visual design and, along with the new Walmart, help this area have a consistent modern character to point to as other new commercial uses begin to locate in this corridor. It is recommended that dormers be added to the middle section of roof on the front of the building to help break up the flat roof that will be facing Rt. 13. Secondly, architectural treatments should be added to the north front of the building to mimic the peaks, eaves, and other features that are on the southern end of the front of the building.

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 D; 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) peak hour trips. The applicant has indicated the Average Daily Traffic (ADT) will be no more than 21 daily 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. North DuPont Hwy is considered a minor arterial road. DelDOT states that the 2016 AADT for this section of North DuPont Hwy is 35,799. Because the peak hour trips do not exceed one percent (1%) of the AADT (357.99), 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 should be utilized for highway commercial purposes. The property is zoned BG (General Business). This zoning district provides for a contractor's locations with outdoor storage 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 2007 Comprehensive Plan and the BG zoning district requirements.
- The conditions of this use are as follows:
 - (1) Storage of all vehicles and construction equipment shall be behind the building setback line.
 - (2) All fabricating shall be enclosed within a building.
 - (3) All outdoor storage visible from access streets and adjacent properties shall be screened from view.
 - (4) Off-street parking shall be provided in accordance with Article XVII, Parking.
 - (5) All requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.
- The 1.934± acre subject site is currently improved with a 3,781 sq. ft. building, parking area, and fenced storage area. This is used as the applicant's office, outdoor storage, and contractor's location which is considered legal non-conforming.
- The applicant is proposing an 8,879 sq. ft. building (with a possible 424 sq. ft. expansion). They will also include a parking area, a relocated entrance, a fenced storage area, and a new gas pump with canopy.
- The applicant will continue to use the existing building as the new building is being constructed. Once the new building is occupied, they will begin demolition of the old building and finish the remaining parking and gas canopy. There is a phasing plan included that shows the full breakdown of each phase of construction.
- The character of the surrounding area is a mostly commercial uses but industrial zoning also exists around the subject site. These industrial sites appear to be storage buildings or

small contractor's offices and are to the west of the subject site. To the east are the new Walmart and a few vacant pad-sites for potential commercial uses. To the north is a car wash and to the south is a junk yard.

- The applicant and engineer met with members of the Planning Staff in a pre-application meeting to review this land use application. The conditions which must be met as part of the Conditional Use / Site Plan approval process were discussed.
- A general layout of the proposed landscaping is provided for the site that meets the requirements of §187-79(D) and §205-224. The off-street parking lot design includes planting strips with the appropriate number of deciduous shade trees and under plantings.
- The plan indicates that they will utilize Kent County Central Sewer and Tidewater Utilities to serve to new building.
- Grading and Utility plans were also provided showing the proposed changes to the site.
- Prior to final plan approval, all outside agency requirements must be met.
- The applicant had submitted a Lot Consolidation plan to combine the two parcels owned by Sharp Energy that make up the subject site. After meeting with DelDOT, the consolidation plan must be postponed. The applicant will now have to record the site plan in order to consolidate the lots and to meet DelDOT's requirements for easements and right-of-way dedication. The site plan submitted with the project assumes that the two parcels have been consolidated.
- The Levy Court may add any necessary conditions to protect the health, safety, and welfare of the citizens of Kent County.

VI. AGENCY COMMENTS:

A. STATE OF DELAWARE, DNREC, Delaware Division of Fish and Wildlife – Contact: Kate Fleming

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site.

B. KENT COUNTY, DELAWARE DEVELOPMENT ADVISORY COMMITTEE Kent County Department of Public Works, Engineering Division Contact: Brian L. Hall

Requirement & Source:

1. Property is "legally" located in KCSDD1.
2. There is existing, "technical" service in the form of a gravity main, located in a recorded easement.
3. Proposal must proceed in accordance with the Kent County Code and all applicable provisions of Chapters 128 & 180.

Comment:

1. The Engineering Division grants “Conditional Approval”.

C. KENT CONSERVATION DISTRICT

Contact: David C. Cahill

Requirements:

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and Stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and Stormwater facility maintenance inspection fees based on the number of Stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.

Comments:

1. The Kent Conversation District has no objection to the proposed conditional use of the above referenced property.
2. The project will require a Stormwater management plan to be submitted, reviewed and approved prior to any land disturbing activity (grubbing, clearing etc..).

VII. OWNER/DEVELOPER:

The owner/developer shall be aware of and be prepared to comply with all comments regarding this project 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 18 months from the date of preliminary plan approval. Failure to obtain final approval shall nullify the plan. Once the plan receives final approval, construction in accordance with the plan must occur within 18 months of final approval or the plan shall be deemed null and void. 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. Office of Public Drinking Water
5. Kent County Department 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
Preliminary Site Plan
Architectural Exhibits
Service, Storage, and Mechanical Area Exhibit
Building Elevations
Floor Plan