



Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT June 8, 2017

Application / Title	:	S-17-06 Delaware Fire School & Fire Commission Facilities
Present Zoning District	:	AR (Agricultural Residential)
Present Use	:	Training Center & State Offices
Proposed Use	:	Same with Expansion
Relation to Growth Zone	:	Inside
Area and Location	:	28.17 \pm acres on the north side of Chestnut Grove Rd. (Co. Rd. 158), approx. 1,430 ft. northeast of Deer Track Ln. (Co. Rd. 161), west of Dover

I. STAFF RECOMMENDATION:

The staff recommends **CONDITIONAL APPROVAL** of the proposed Site Plan for the continued use as a training facility with associated state offices based on the information submitted as the application demonstrates compliance the Kent County Code and with the following comments, as follows:

A. Code Requirements:

1. The final plan must meet all requirements of both §187 and §205 of the Kent County Code and all items in the final plan column of Appendix D of §187. This may include items that are not specifically outlined in this report. This plan must gain final approval within **18 months** of the date of preliminary approval. Construction shall not commence and Building Permits shall not be issued until final plan approval is given. Furthermore, §187-41.C states that application for building permits must be made within 18 months of final approval. If no applications are received, the plan shall be considered invalid and a new application process will be required.
2. The file number S-17-06 must be added to the plan.

3. Building Permit Square Footage table as shown depicts several existing and proposed buildings and structures, totaling 24,129 sq. ft. The data column reflects a building square footage breakdown, which classifies all aforementioned structures as “proposed.” Clarification should be provided as to whether “Existing” within data column refers to “Previously Approved through Site Plan” or some other reference.
4. The subject site is located within the growth zone and along Chestnut Grove Rd., classified as a Major Collector. Setbacks should be revised to reflect accurate setbacks of 75 ft. front, 10 ft. side setback with a total aggregate of 25 ft., and 25 ft. rear setback.
5. The approval of the Board of Adjustment allows for impervious surface coverage up to 60% with all necessary approvals from DNREC. These approvals must be obtained prior to final plan approval.
6. The applicant has submitted a waiver request to enable the construction of an addition onto the existing Fire School training facility with parking within a designated wellhead protection area. Should this request be approved, the applicant shall provide any and all necessary approvals from DNREC, the Office of Drinking Water, and any other applicable agency.
7. Building permits must be obtained for any and all existing structures for legalization, as well as any proposed structures prior to the commencement of construction.

II. WAIVER REQUESTS

The applicant is requesting waivers from the following:

A. §187-60.A Sidewalks

“Sidewalks shall be installed along arterial and collector roadway frontage of a property by the owner or applicant of the property whenever such property is the subject of a subdivision or land development proposal which requires Regional Planning Commission or Levy Court approval.”

The subject site is located along Chestnut Grove Rd., which is classified as a Major Collector by DeIDOT’s Functional Classification of Delaware Roads (2016). Based on this classification, the installation of sidewalks is required to accommodate this and future development. However, in taking into consideration the status of neighboring properties, it does not seem feasible to anticipate additional growth and development on adjacent properties as they are both participating in the Agricultural Preservation program. Therefore, staff recommends **approval** of this request.

B. §187-79.1.A Wellhead Protection Buffers

“No buildings, structures, or paved surfaces shall be permitted to be constructed nearer than 150 feet to a public drinking water supply well, except that buildings and access associated with the well and related fencing, treatment, water storage, and distribution facilities shall be permitted.”

The applicant is proposing a rear addition onto an existing building, essentially covering an existing public well. The applicant has stated that the well in question, referred to as Public Well #49668 on the attached preliminary site plan, is not in fact a public well and serves only the existing facilities located on the subject site, which only occasionally serves more than 25 people. The applicant is proposing to abandon the existing well in question in order to allow for the construction of the proposed rear addition with associated parking area within the designated wellhead protection buffer of 150 ft. The applicant has offered that should any new wells be installed, they shall conform to DNREC requirements and specifications.

Based on the requirements within §187-79.1 and the proposal of the applicant as stated above and the available options as submitted by DNREC Division of Water, Source Water Assessment and Protection Program, staff recognizes the following options available to the applicant:

1. The applicant may construct the proposed addition over the existing public well with prior approval from the above referenced division, while maintaining access for cleaning, treatment, repair, testing, inspection, and any other work.
2. The applicant may connect to the existing well at the Fire Marshal's building;
3. The applicant may drill a new well for the facility, taking into consideration all information as stated below within the recommendation area from DNREC; or
4. The applicant may use an off-site drinking water supply.

Given this information, staff recommends the applicant consider all options as stated above as well as information supplied by DNREC, Division of Water, Source Water Assessment and Protection Program below. Should the applicant wish to abandon the existing well or enclose the existing public well, the applicant must provide all necessary approvals from DNREC, the Office of Drinking Water, and any other applicable outside agencies prior to final approval. Additionally, any newly proposed public wells within the subject site must meet all conditions as stated in §187-79.1 of the Kent County Code.

C. §187-74.C Tree Planting Requirements in Nonwoodlands

“Inside the growth zone. For nonwoodland portions of development tracts, new trees shall be planted at a rate of one tree per 10,000 square feet of lot area for residential land development and one tree per 5,000 square feet of site area for nonresidential land development.”

The applicant wishes to construct a rear and front addition onto an existing training facility located on the southwestern portion of the subject site. The parking area would be constructed just north of the proposed rear addition, and is proposed to meet all necessary landscaping requirements pursuant to §205-224 pertaining to the screening and landscaping of parking areas of the Kent County Code. However, the applicant is seeking a waiver from §187-74, requesting a full waiver from the required 171 trees to be planted within the subject site.

As the subject site is currently utilized for training purposes of statewide emergency responders, the layout of the site does require certain allowances for functionality. While the southern portion of the site is currently developed with the training facility, administrative offices, and the Office of the State Fire Marshal, the northern portion of the subject site functions as a hands-on training area for firefighters to enable training within a contained environment. Based on site visits, the general public is allowed only within the southern portion of the site unless access is granted by staff to the northern portion of the site.

Given the nature of the site and the functionality of the two training areas, staff recommends **modified approval** of the relief from the tree planting requirement of 171 trees. In lieu of the existing development and layout of the training areas within the northern portion of the site, staff recommends that the required number of plantings be incorporated within the southern portion of the site for aesthetics and to further support the infiltration of stormwater runoff in this area as follows:

1. Landscaping be placed along the southern, western and eastern property lines to provide a visual buffer from surrounding agricultural uses and Chestnut Grove Rd.;
2. Landscaping be placed along the northern portion of the proposed parking area to provide a visual buffer from areas frequented by the general public and secure training areas within the subject site;
3. Landscaping along walkways connecting existing and proposed parking areas with existing buildings within the southern portion of the subject site; or
4. Any combination or all of the above to achieve the required number of plantings throughout the southern portion of the subject site.

The placement of landscaping within the northern portion of the property may be of detriment to those participating in active training sessions and could pose serious safety hazards. However, the applicant has the ability to meet a portion or all of the landscaping

requirements within the southern portion of the subject site, and originally submitted a waiver request to place all landscaping within the southern area of the site, which supports this. The modification of this request does appear to maintain consistency with other commercial development throughout Kent County and will improve the aesthetics of the site, as the southernmost portion of the site is the area frequented by the general public.

III. ADEQUATE PUBLIC FACILITIES ORDINANCE

A. APFO Compliance

This application, being an expansion to a State of Delaware Public safety facility, is exempt from the requirements of the Adequate Public Facilities Ordinance.

IV. BACKGROUND INFORMATION:

- The property is zoned AR (Agricultural Residential District). The subject site is currently developed, housing a statewide fire training facility and the Office of the State Fire Marshal. Although the specific date of original construction is unknown, it appears, from historical aerials, that the site was developed prior to 1972, which classifies the use as legal nonconforming.
- The character of the surrounding area is primarily agricultural with a few residential homes existing to the southeast of the subject site. Properties to the south, east and west appear to be within the Bobola-Voshell's Cove Agricultural Preservation District.
- The applicant is required to go through the Site Plan process with approval by the RPC as the proposed floor area expansions exceed 5,000 sq. ft. The applicant is proposing rear and front additions onto an existing fire training facility totaling 15,645 S.F. with associated parking.
- The proposed site plan also encompasses a number of structures constructed and/or placed on the subject site without receiving necessary Planning approval and without obtaining permits from the Division of Inspection & Enforcement. Based on the previously recorded site plan, it appears that a number of storage and maintenance buildings and gazebos have been added in the northernmost portion of the site.
- The applicant received two variances as part of this site plan application. The Board of Adjustment agreed to allow up to 60% impervious surface coverage with all necessary approvals from DNREC, as it is within their purview to regulate stormwater management for State of Delaware facilities. This approval must be obtained prior to final approval.

V. AGENCY COMMENTS:

A. KENT COUNTY- Department of Public Works, Engineering Division – Contact: Brian L. Hall, Engineering Project Manager II

Requirement & Source:

1. This property is “legally” located in KCSDD1 (original).

2. The actual, “technical” service is via the City of Dover, and must comply with their requirements.
3. Proposal must proceed in accordance with the Kent County Code and specifically all applicable provisions of Chapters 128 & 180.

Comment:

1. The Engineering Division grants “Conditional Approval”.

B. DNREC – Division of Water – Source Water Assessment and Protection Program

Contact: Douglas E. Rambo, P.G., Hydrologist IV

The first thing we noticed is that there is a proposed building addition on the rear (northward facing) side of the building. This proposed addition is over the existing public drinking water well that serves the building. Section 5.1.5.4 of the Delaware Regulations Governing the Construction and Use of Wells state that “A well may not be constructed within or under any building other than a structure constructed specifically for the housing of the well and related equipment, unless otherwise approved in writing by the Department. Such structures shall be identified on the exterior with the permit number of the well contained therein”. Subsequently, section 5.1.6 of the well regulations states that “All wells shall be located so as to be accessible for cleaning, treatment, repair, testing, inspection, and any other work”. Authorization would be needed from DNREC to place the well in a building and construction modifications would be needed to allow for maintenance of the well should it break down if they planned to keep the well.

On the option that they abandon well 49668, the Well Head Protection Area (WHPA) for that well disappears. Now a new source of drinking water must be connected to the School. Their options are A) to connect to the well at the Fire Marshall’s building, B) drill a new well for the facility, or C) use an off-site source for drinking water supply. Let’s say that they chose option A. The well at the Fire Marshall’s office would now become the new supply well for the facility in the records of the Office of Drinking Water at DHSS and a new 150-foot radius WHPA would be placed around that well. That well would then be bound in the future by requirements of the Kent County Source Water Protection Ordinance, §187-79.1.

Should they go with option B and want to drill a new well, they are not left with many options on the site related to the separation from potential sources of contamination. The probable “best” location for a new well would be off of the northeast corner of the building in the grassed island adjacent to the handicapped parking spaces. While this will not be perfect for maintaining complete 150-foot isolation distances from all potential sources of contaminants (the Stormwater Pond is potentially 145-feet +/-) it appears to adequately stay away from the burn areas. The well owner may have to seek an “Alternate Method of Compliance” to put a well within 150-feet of the Stormwater pond. This may just be a requirement that the well be drilled into a confined aquifer.

It may also require other construction related requirements to protect the source (such as double-casing). Those would be determined upon review of the application by a Water Supply Section Hydrologist here at DNREC. The new well would then be bound by the provisions of the Kent County Source Water Protection Ordinance, §187-79.1 as well.

For option C, there is the potential to tie-in to Tidewater Utilities Hunter's Point water system that is located approximately 2,500-feet away.

If they keep the existing well 49668, the biggest concern is the amount of impervious cover that is now going to be in the wellhead protection area. Virtually 100% of the WHPA is going to be impervious cover. Even a new well is going to have well over 50% impervious cover in the WHPA (possibly up to 75%). The County may want to consider having the Fire School divert rooftop runoff from the administrative buildings (School and Fire Marshalls Office buildings) at the front of the campus into a groundwater recharge facility. Some designs which we would throw out there are contained in (but not limited to) the following publication: Delaware Ground-Water Recharge Design Manual: http://delawaresourcewater.org/wp-content/publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf. We would gladly consult with the Kent Conservation district on what they would look for in such a system. I do not know whether the pond at the facility is lined or unlined, so the potential use of it as a recharge basin is unclear.

While the Department does not regulate land-use within WHPAS, we strongly recommend to the County that impervious cover be limited to the greatest extent possible within a WHPA. Even though the wells here are confined aquifer wells, activities at the surface can potentially limit the water recharged to lower aquifers. Any effort to get "cleaner" water diverted back to the subsurface and removed from the stormwater (overland flow) path is greatly appreciated.

C. DNREC – Division of Fish and Wildlife – Species Conservation and Research Program

Contact: Kate Fleming, Wildlife Biologist/Environmental Review Coordinator

The forest located along the northern border of the site provides an important buffer to Maidstone Branch and should be left intact. Moreover, a minimum 100 ft. buffer should be left intact around the perimeter of the wetlands on site to protect their function and integrity. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms. Additionally, upland buffers serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle. Lot lines, roadways, and infrastructure should not be placed within this buffer zone.

VI. OWNER/DEVELOPER: The owner 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. Letters of “No Objection to Final Approval” from the following agencies shall be required prior to final approval:

- A.** DelDOT, Division of Highways
- B.** Kent Conservation District
- C.** Office of State Fire Marshal
- D.** DNREC

ENC: Data Sheet
Exhibit A – Location Map
Sidewalk Waiver Request Letter
Wellhead Protection Area Waiver Request Letter
Landscaping Waiver Request Letter
Preliminary Site Plan