

# Kent County



## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT July 13, 2017

<b>Application / Title</b>	:	S-17-02 IG Burton Auto Campus Expansion
<b>Present Zoning District</b>	:	BG (General Business)
<b>Present Use</b>	:	Vacant Land
<b>Proposed Use</b>	:	Automobile Dealership / Future Retail Development
<b>Relation to Growth Zone</b>	:	Inside
<b>Area and Location</b>	:	19.29± acres located on the east side of Tub Mill Pond Road (Co. Rd. 119), 470+ ft. west of the intersection with Bay Road (DE Rt. 1), north of Milford

#### **I. STAFF RECOMMENDATION:**

The staff recommends **CONDITIONAL APPROVAL** of the proposed Site Plan for the use as an automobile dealership and future retail development based on the information submitted, as the application demonstrates compliance with the conditions for approval as outlined the Code:

#### **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 proposed development was required to complete a Traffic Impact Study in accordance with the Adequate Public Facilities Ordinance (APFO). The improvements outlined in the TIS shall be incorporated into the site design and reflected on the record plan by note or illustration in order to maintain compliance with the APFO.

## **B. Recommendations**

1. The proposed plan reflects an existing historic structure on the site to be demolished as part of the proposed future retail. Pursuant to §187-69, subdivisions or land developments containing or adjacent to historic or cultural resources shall be designed to minimize adverse impacts of new construction on the historic resources and are required to use protective techniques such as limits of disturbance, building restriction lines, and buffers. Chapter 10 of the Kent County Comprehensive Plan states the county should “seek to preserve Kent County’s rich and cultural heritage by promoting the value and significance of Kent County’s historic and cultural resources.” Specifically, it is recommended that developers are to be permitted to incorporate historic resources located within proposed developments into heritage tourism endeavors, which may be beneficial to this particular site. Should the structure be evaluated and found eligible for the National Register of Historic Places, the applicant may have an opportunity to take advantage of potential tax credits and should contact the State Historic Preservation Office for additional information.

In an effort to maintain the historical and agricultural character unique to the area and Kent County, staff recommends the existing dwelling be maintained and incorporated into the proposed future retail development through adaptive reuse, such as an office building. The structure appears to be in good condition and represents specifically late nineteenth century construction and land use in Kent County’s history. Therefore, staff recommends the dwelling be preserved for the current and future residents of the county.

Should the applicant choose to proceed with demolition, staff recommends that the site be documented in accordance with all applicable Secretary of the Interior Standards for Architectural and Engineering Documentation. This documentation usually consists of measured drawings, photographs, and written data that provides information on a property’s significance and is usually completed by professionals who meet qualifications outlined by the Secretary of the Interior.

2. Because of the distinct aesthetic character of the existing farmhouse present on the site, staff recommends that the buildings in the proposed land development be architecturally similar in style in order to maintain and preserve the agricultural character of the surrounding area.

## **II. ADEQUATE PUBLIC FACILITIES ORDINANCE**

### **A. APFO Compliance**

This application must comply with the standards of the Adequate Public Facilities Ordinance, but only the roads section applies to a non-residential site plan.

The proposal is for a nonresidential land development and the applicant has completed a Traffic Impact Study (TIS) and Traffic Operational Analysis (TOA) to evaluate existing

conditions as well as the impact of the proposed development of the I.G. Burton Farm Parcel. In order to maintain compliance with APFO, the applicant must complete the following:

1. The developer should improve Tub Mill Pond Road along the Farm Parcel site frontage in order to meet DelDOT's local road standards. These standards include, but are not limited to, 11-foot travel lanes and 5-foot shoulders. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion. DelDOT should analyze the existing lane's pavement section and recommend an overlay thickness to the developer's engineer if necessary.
2. The developer should construct the full site access for the Farm Parcel property along Tub Mill Pond Road. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound Tub Mill Pond Road	One through lane	One through lane and one right-turn lane
Southbound Tub Mill Pond Road	One through lane	One shared through/left-turn lane
Westbound Site Access	Approach does not exist	One shared left/right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review process.

Approach	Left-Turn Lane	Right-Turn Lane
Northbound Tub Mill Pond Road	N/A	145 feet *
Southbound Tub Mill Pond Road	N/A	N/A
Westbound Site Access	N/A	N/A

\* initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*.

3. The developer should extend the existing Delaware Route 1 southbound right-turn lane at the BMW/Mercedes Benz dealership driveway to the maximum extent feasible (approximately 435 feet total length, including taper).
4. The developer should construct the full site access for the North Campus Expansion property along Mercer Avenue. The proposed configuration is shown in the table below.

<b>Approach</b>	<b>Current Configuration</b>	<b>Proposed Configuration</b>
Northbound Site Access	Approach does not exist	One shared left/right-turn lane
Eastbound Mercer Avenue	One through lane	One shared through/right-turn lane
Westbound Mercer Avenue	One through lane	One shared through/left-turn lane

5. For the intersection of Delaware Route 1 and the existing Chrysler/Jeep/Dodge dealership driveway, the developer should continue to coordinate with DelDOT regarding modifications to the existing full-access median crossover. During the site plan review process, the developer should coordinate with DelDOT’s Development Coordination Section to select and proceed with one of the three following options:
  - a. The developer should be responsible for modifications that would result in full closure of the median crossover at this location.
  - b. If, by the time a decision needs to be made, DelDOT has initiated an official project in this location, the developer should coordinate with DelDOT regarding an appropriate contribution toward that project. This option would also result in full closure of the median crossover at this location.
  - c. The developer should modify the existing median crossover to physically restrict all left turns and crossover through movements going to or from the dealership driveway. The only remaining movements permitted to travel through the median would be northbound and southbound u-turns on Delaware Route 1. The existing driveway would therefore be converted to a right-in/right-out access along southbound Delaware Route 1. The median u-turn only and driveway restrictions would be accomplished via channelization islands and signage in the median and at the dealership driveway entrance as needed.

In addition to one of the above options regarding modifications to the median crossover, the developer should extend the existing Delaware Route 1 southbound right-turn lane at the Chrysler/Jeep/Dodge dealership driveway to the maximum extent feasible (approximately 290 feet total length, including taper).

For all modifications to the median crossover, the dealership driveway and the southbound right-turn lane, the developer should coordinate with DelDOT’s Development Coordination Section during the site plan review process to determine final design and implementation details.

6. The following bicycle, pedestrian, and transit improvements should be included:
  - b. A right-turn yield to bikes sign (MUTCD R4-4) should be added at the start of the right-turn lane on northbound Tub Mill Pond Road at the proposed Farm Parcel site driveway.

- c. Adjacent to the proposed right-turn lane on northbound Tub Mill Pond Road at the Farm Parcel site entrance, a minimum five-foot wide bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
- d. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities and turn lanes within the project limits.
- e. Utility covers should be made flush with the pavement.
- f. Bicycle parking should be provided near the building entrances. Where the building architecture provides for an awning, other overhang, or indoor parking, the bicycle parking should be covered.
- g. A minimum 15-foot wide easement from the edge of the right-of-way should be dedicated to DelDOT within the Farm Parcel site frontage along Tub Mill Pond Road. Within the easement along Tub Mill Pond Road, a minimum of a ten-foot wide shared-use path that meets current AASHTO and ADA standards should be constructed along the site frontage. The shared-use path should have a minimum of a five-foot buffer from the roadway. The shared-use path should connect to pedestrian facilities in the Farm Parcel and to the shoulder of Tub Mill Pond Road in accordance with DelDOT's Shared Use Path and/or Sidewalk Termination Policy dated June 19, 2014. The developer should coordinate with DelDOT's Development Coordination Section to determine exact locations and details of the shared-use path connections at the property boundaries.
- h. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including all site entrances. Type 3 curb ramps are discouraged.
- i. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be considered within the development. These sidewalks should each be a minimum of five feet wide (with a minimum of a five foot buffer from the roadway) and should meet current AASHTO and ADA standards. Internal sidewalks in the Farm Parcel development should connect to the proposed sidewalk along Tub Mill Pond Road.
- j. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.
- k. Recommendations regarding transit access provided by the Delaware Transit Corporation (DTC) should be incorporated into the site design. This includes installation of an ADA compliant bus pad near the proposed site entrance along Tub Mill Pond Road to accommodate future transit service. Further coordination with DTC will be necessary regarding the existing bus stop along southbound Delaware Route 1 located just north of the existing right-in/right-out inventory lot driveway.
- l. A sidewalk and/or shared-use path is not required along the Delaware Route 1 site frontage.

### **III. BACKGROUND INFORMATION:**

- The property is zoned BG (General Business District). Automobile sales, rental, service, storage, or repair, but no auto salvage or junk is a permitted use within the BG Zoning District with the following conditions:
  1. The operation is conducted at least 20 feet from any adjacent property line.
  2. The minimum distance of any building from a residential district or residential property line shall be 50 feet.
  3. The minimum distance from access to any church, library, school, college, nursing home, hospital or similar use shall be 200 feet, measured along the same street line in the same block.
  4. Hydraulic hoists, pits and all lubricating, greasing, washing and repair facilities shall be entirely enclosed within buildings, in accordance with Delaware Department of Natural Resources and Environmental Control Regulation.
  5. A solid fence, wall or landscape screen, a minimum of six feet in height, shall be erected along all property lines separating the site from any lot zoned for residential use.
  6. Off-street parking shall be provided in accordance with requirements for manufacturing uses in Article **XVII**, Parking.
  7. Any major repair or storage of equipment or materials or damaged vehicles shall be inside a completely enclosed building.
  
- The applicant is currently proposing a 60,000 sq. ft. multi-use facility as part of the first phase of the development, which includes a body shop, bus shop, detail shop, and miscellaneous area.
- The proposed building requires 120 spaces. There are 140 parking spaces provided on the site plan.
- The character of the surrounding area is primarily agricultural and residential in nature; however the site is bordered by commercial uses (I.G. Burton Imports).
- The applicant is required to plant 64 trees in accordance with 187-74(C). The applicant is proposing to plant in the area proposed for future development, and currently meets the tree planting requirement of 64 trees. At the time the “future development” shown on the plan is proposed, the tree plantings along Tub Mill Pond Road will no longer count towards the overall tree planting requirement for the site, but will be part of the required buffer along the road. At that time, the 48 trees shown will need to be mitigated elsewhere on site.

#### **IV. AGENCY COMMENTS:**

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

###### **Requirement & Source:**

1. Adherence to the requirements of the accepted TFS, the Levy Court approved Preliminary Report and applicable sections of the Kent County Code, specifically Chapters 128 and 180.

2. Providing sanitary sewer (SS) service to all existing strip lots in accordance with Kent County Code, Chapter 187.
3. Depiction of all SS easement, right-of-way and dedication areas.

**Comment:**

1. The Engineering Division grants “Conditional Approval”.

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

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.

**C. DIVISION OF PUBLIC HEALTH**

This application states that public water will be supplied by the City of Milford. This project requires the owner to obtain a *Certificate to Construct* from the Office of Engineering.

In order to obtain a Certificate to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. A Certificate to Operate will be issued after all applicable requirements are met. Please contact Bill Milliken or Doug Lodge, PE, at (302) 741-8640.

This application will require plan review and a Plumbing Approval to Construct from the Division of Public Health Office of Engineering prior to receiving a Plumbing Permit. Please contact Bill Milliken at (302) 741-8646.

- V. 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.** Kent County Department of Public Works

ENC: Data Sheet  
Exhibit A – Location Map  
Exhibit B – Plot plan  
Letter from Applicant Addressing Landscape Plan  
Traffic Impact Study  
Preliminary Site Plan

