

# Kent County



## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT September 7, 2017

<b>Application Number</b>	:	CS-17-07
<b>Site Plan Title</b>	:	Mast Harness Shop
<b>Present Zoning District</b>	:	AC (Agricultural Conservation)
<b>Present Use</b>	:	Agricultural/Residential
<b>Proposed Use</b>	:	Same with Tack Shop/Harness Shop
<b>Property Identification Number</b>	:	KH-00-044.00-02-11.00-00001
<b>Area and Location</b>	:	10.5 ± acres (project site area: 1.88± acres) located on the northeast side of Shaws Corner Rd. (Co. Rd. 166), approx. 3,558' south of Sudlersville Rd. (DE Rt. 300), south of Kenton

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#### 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-17-07 to the title block of the site plan.
2. The plan shows the acreage of the lot to be 10.7± acres, but the data column shows 10.5± acres.
3. Indicate the height of the buildings on the plan.
4. A final plan must be approved with 18 months of preliminary plan approval and construction must commence within 18 months of final plan approval.

## **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 DeIDOT'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 DeIDOT Special Study Area or District as designated by mutual agreement between Kent County and DeIDOT;
- 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 site will generate no more than 17 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 10% of the AADT on local roads. DeIDOT states that the 2016 AADT for this section of Shaws Corner Rd. is 501. Because the peak hour trips do not exceed ten percent (10%) of the AADT (50.1), 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 low density residential purposes. The property is zoned AC (Agricultural Conservation). This zoning district provides for Tack and Harness Shops 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 AC zoning district requirements.

- The conditions of this use are as follows:
  - (1) Any buildings used for stables are distant at least 100 feet from any lot line and at least 300 feet from any residence on adjacent premises.
  - (2) In the event that a tack shop is included, off-street parking shall be provided in accordance with requirements for retail and service uses in Article XVII, Parking.
  - (3) All requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.
- The 10± acre subject site is currently improved with a single family dwelling, a garage, four sheds, a barn, and a silo. Most of the acreage is used as an active farm, but the rear of the lot does have some wooded wetlands.
- The applicant is proposing a 5,312 sq. ft. harness (tack) shop and a 3,968 sq. ft. storage building. They will also include a parking area, a new entrance, and required landscaping/buffering.
- The character of the surrounding area is a mainly agricultural in nature with “farmettes” similar in acreage to the subject site existing to the north and south of this site. Across the road there are smaller residential properties and to the rear, through the woods, is an existing residential subdivision known as Whitetail Run.
- 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 §187-74, §187-79, 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 an on-site septic system and well.
- Prior to final plan approval, all outside agency requirements must be met.
- 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, Species Conservation and Research Program

#### Wetland buffers

The eastern side of this parcel is bordered by a non-tidal coastal plain stream, and a small forested buffer. An upland buffer surrounding this stream should be retained in order to protect water quality. The buffer could even be expanded, as it does not appear to be very wide according to analysis of aerial imagery. Our program botanist, Bill McAvoy ([William.McAvoy@state.de.us](mailto:William.McAvoy@state.de.us), 302-735-8668) would gladly assist in choosing appropriate species for this site.

**B. KENT COUNTY, DELAWARE DEVELOPMENT ADVISORY COMMITTEE,  
Kent County Department of Public Works, Engineering Division -**

The Engineering Division grants “Approval With No Objection To Recordation”.

**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

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  
Approved Site Evaluation  
Letter addressing APFO dtd. 7/25/17  
Preliminary Site Plan