



Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT December 14, 2017

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| Application Number | : | S-17-08 |
| Preliminary Plan Title | : | Hickory Ridge Hotel |
| Present Zoning District | : | BG (General Business) |
| Present Use | : | Vacant |
| Proposed Use | : | 108 Hotel Units / 5,000 Square Feet Retail |
| Relation to Growth Zone | : | Inside |
| Area and Location | : | 10.08 acres \pm located on the southwest corner of Hickory Ridge Rd. (Co. Rd. 149) and S. DuPont Blvd. (US Rt. 13), south of Smyrna. |

I. STAFF RECOMMENDATION:

The staff recommends **CONDITIONAL APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in the Code, 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 may not commence until final approval is given.
2. Based on the requirements in §187-74, the applicant is required to plant 88 trees (one tree per 5,000 square feet of lot area for nonresidential development located inside the Growth-Zone Overlay). The current

proposed plan reflects 48 trees; therefore an additional 40 trees will be required to satisfy the tree planting requirements.

3. Add the following note to the plan:

“A one-year full-price replacement guarantee on all new trees planted will be held by the applicant and an additional one-year guarantee on replacements plants. The applicant is expected to maintain plantings, including watering all plants any time from April to December when natural rainfall is less than one inch per week.”
4. Remove notes #3, #4, and #6 under “General Notes” and #5 under “Record / Site Plan General Notes”, as they pertain to a previous application on the subject parcel and do not apply to nonresidential development.
5. Add file number S-17-08 to the plan.
6. Per DelDOT, update the trip diagrams to reflect the use of a “Motel” (ITE 320) and include 108 rooms.
7. Per the requirements of §187.90.2 F(3), the proposed development must comply with all findings of the existing and/or updated Traffic Operational Analysis if the a Traffic Impact Study requirement is waived by the Regional Planning Commission.

B. Recommendations:

The 2007 Kent County Comprehensive Plan recommends that development should incorporate design elements that reduce the negative visual impact on an area as well as integrate it with the surrounding area. Staff recommends the following:

1. Site Layout
 - a. Reconfiguration of the proposed buildings to eliminate an expansive parking area along the frontage, similar to the proposed building layout provided on previous applications for apartments. Reference Exhibit C, attached.
2. Buildings
 - a. Large expanses of blank walls should be avoided. To that end, vertical and horizontal off-sets should be added in the exterior wall elevations. In addition, the roof lines should be varied among the buildings (e.g. mixture of hipped and gabled roof lines).
 - b. Architectural features should be incorporated on multiple sides of the building due to the lot’s location on two (2) street frontages. The result would be more aesthetically pleasing to both the employees, customers, and the citizens passing the site on South DuPont Highway

and Hickory Ridge Road. Furthermore, it is recommended that the use of multiple-facade materials and surface materials be incorporated so that the proposed development complements and is visually compatible with the color, texture, size, and scale of exterior materials reflected on existing buildings in the vicinity.

- c. Additional landscaping areas adjacent to the facades of the buildings should be provided for the aesthetic benefits of the surrounding area.

3. Signage

- a. Kent County Code §205-227(C) allows for one permitted-type sign for each street frontage. The maximum amount of detached signs permitted on this parcel is two based on the location of the subject site being on the corner of Hickory Ride Road and S DuPont Hwy. Detached signs are required to meet the setbacks as outlined in §205-236(A). Attached signage is calculated by the area of building front for each business that fronts a state or County Road; therefore signage for both the proposed retail and hotel is permitted along Hickory Ridge Road (§205-235A.(1)) and S DuPont Hwy (§205-236A.(1)), given it meets the size requirements of Kent County Code.
- b. In an effort to preserve the character of the area, which is primarily residential, Staff recommends that there be one detached, monument style sign permitted on the property to advertise both the proposed hotel and retail. Attached signage for the hotel should be designed in such a way that the largest attached sign is centered on the main building, facing DuPont Hwy.

WAIVER REQUESTS:

The applicant has requested a waiver from the traffic impact study (TIS) requirement per §187.90.2 F(3). As indicated in §187.90.2 F(3)(d), a TIS may be waived if in the opinion of Kent County Department of Planning Services (Planning) and DelDOT, sufficient prior traffic studies have been conducted in the area. DelDOT has provided a letter dated December 16, 2014 indicating that this proposed development is within the Brenford Area TID identified in the Kent County Comprehensive Plan and that there have been sufficient previous traffic studies in the area. An updated letter shall be submitted prior to final plan approval.

Planning concurs with the DelDOT's analysis. Consequently, a TIS is not required, however, the applicant is required to implement the improvements articulated in these previous traffic studies and can pay an Area-Wide Study Fee and complete a Traffic Operational Analysis.

As of December [enter date here], DelDOT has stated that the use of a motel and the proposed retail does not require a new TOA at this time, but can be addressed through an area-wide fee. Results of the **Traffic Operational Analysis (TOA)** are included in

a January 4, 2016 memorandum from DelDOT as provided below.

Should the developer choose to develop the property per the proposed land use of 112 apartments, DelDOT offers the following comments:

1. The developer should construct a rights-in, rights-out site entrance on Hickory Ridge Road. Because of the presence of an existing right turn lane for the intersection of US Route 13 and Hickory Ridge Road, the limited site frontage on Hickory Ridge Road and the presence of multiple residential driveways on Hickory Ridge Road, the developer should work with DelDOT's Subdivision and Traffic Sections to determine the optimal location for this entrance. If a right turn lane for this entrance is deemed necessary by the Subdivision Section, the length of the turn lane should be based on DelDOT's Auxiliary Lane Worksheet.
2. Related to Item 1, the developer should construct a concrete median along Hickory Ridge Road from US Route 13 to a point west of the site entrance as to prevent left turn movements at the site entrance. Details related to the construction of the median should be coordinated with DelDOT's Subdivision Section.
3. Along the Hickory Ridge Road site frontage, the developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion. DelDOT should analyze the existing lanes' pavement section and recommend an overlay thickness to the developer's engineer if necessary. This overlay may extend beyond the site frontage as necessary to address changes in the roadway as a result of Item 2.
4. The developer should construct a single rights-in, rights-out entrance on US Route 13. Because of the presence of a signal at the intersection of US Route 13 and Hickory Ridge Road, the developer should work with DelDOT's Subdivision and Traffic Sections to determine the optimal location for this entrance. If a right turn lane for this entrance is deemed necessary by the Subdivision Section, the length of the turn lane should be based on DelDOT's Auxiliary Lane Worksheet.
5. Along the US Route 13 site frontage, the developer should provide a bituminous concrete overlay to the shoulder at DelDOT's discretion. DelDOT should analyze the existing lanes' pavement section and recommend an overlay thickness to the developer's engineer if necessary.
6. The developer should extend the northbound left turn lane at the intersection of US Route 13 and Hickory Ridge Road. The length of the lane extension should be determined by DelDOT's Traffic Section.

Please note that this analysis generally focuses on capacity and level of service issues. Level of Service tables for the existing and future cases are attached with this memorandum. In addition, further comments related to the design of the site entrances, as well as comments relating to traffic, transit and bicycle improvements, may be made during the site plan review process.

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. See Waiver Request and TOA analysis above.

I. BACKGROUND INFORMATION:

- The Comprehensive Plan calls for highway commercial uses. The Kent County Comprehensive Plan considers more intensive commercial uses appropriate for properties near cities and towns provided that the development density and design are in keeping with the character of the surrounding area. The proposed plan is in conformance with the Comprehensive Plan.
- The property is zoned BG (General Business). Hotels are allowed as a permitted use in BG. A formal site plan review is required in accordance with §187-34, as the overall improvements proposed exceed 5,000 square feet of impervious cover.
- The subject site is 10.08 ± acres and is currently vacant.
- The applicant is proposing to construct a 108-unit hotel and a 5,000 square foot retail building.
- The applicant is preserving the entire westerly planted buffer adjacent to Northridge Subdivision.
- The subject site was considered for a previous land-use application, CS-14-10 Hickory Ridge Apartments. The application was denied by the Levy Court on March 28, 2017, citing a recommendation for denial by the Regional Planning Commission, public testimony, traffic and safety concerns.
- The applicant is proposing to preserve the existing berm and landscape buffer that runs along the western edge of the property.
- The character of the surrounding area is primarily a mix of residential and commercial uses. There is a residential development to the west and a residential development and commercial uses to the east across Rt. 13. A parcel owned by DNREC which is adjacent to Garrison's Lake is to the south, and residential development as well as Garrison's Lake Golf Course is to the north.
- The property to the south is zoned BG, with properties to the north and west zoned RS1 (Single Family Residential). The property to the east across Rt. 13 is zoned RM (Multifamily Residential) and BG.
- This application must comply with the standards of the Adequate Public Facility ordinance. The applicant has submitted a letter addressing each one of these

sections (attached). The proposed project will be compliant with the Adequate Public Facilities Ordinance.

- There is a grading plan showing the proposed grades tying into the existing grade to achieve positive drainage to the stormwater features on the property.

II. AGENCY COMMENTS:

A. DNREC- Division of Fish and Wildlife- Contact Kate Fleming

The site plans suggest that stormwater on this property will discharge on to Delaware Division of Fish and Wildlife (DFW) property, ultimately discharging into Garrison's Lake, a waterbody owned and managed by DFW as a recreational resource for the public, including anglers and boaters.

This design will likely lead to erosion problems on DFW land and exacerbate existing water quality problems in the lake. Sedimentation from erosion can contribute to the turbidity of the pond and has the potential to smother eggs and larvae of nest building species such as Largemouth Bass and Bluegill which spawn in shallow water along the shoreline. Numerous Largemouth Bass fishing tournaments are held annually at Garrisons Lake, so it is important to maintain a viable fishery. The pond also provides important ecological services on-site as well as downstream. It is DFW's strong concern that stormwater entering the pond as a result of this project will exacerbate existing water quality issues.

Existing developments around the lake and within the watershed are already contributing nutrient laden stormwater to Garrison's Lake. Garrison's Lake is already considered highly 'eutrophic' (high levels of nitrates and phosphates). Planktonic algae blooms, which are indicative of excess nutrients, are a common occurrence in this system. Algae blooms can reduce the amount of oxygen available for fish growth and survival, and reduced water clarity can affect foraging efficiency of visual predators such as Largemouth Bass. Due to the shallow nature of the pond (maximum depth of 4ft. and average depth of 2 ft.), Garrison's Lake is already at high risk for hypoxic (oxygen deficient) conditions, especially during the summer months. This is because shallow water warms more than deeper water, and warm water holds less oxygen. The combination of these conditions (excess nutrients from existing developments, shallow water, warmer water temperatures, planktonic algae blooms) have resulted in fish kills in the past due to lethally low levels of dissolved oxygen.

DFW staff also had the opportunity to discuss the project further with the Kent Conservation District and the applicant's designated representatives regarding water quality and erosion concerns, and options to minimize impacts, which were outlined in a letter submitted to Kent County Division of Planning March 1, 2017 (attached). Options discussed included: the placement of stone or concrete check dams at strategic intervals along the eastern bio-swale that runs parallel to U.S. Route 13; placement of a stone or concrete check dam on the north side of the riprap apron in the southwest corner of the applicant's property; placement of

split-chamber perforated stormwater pipes along the western length of the proposed project area; and exploration of parking lot reconfiguration or parking space reduction to allow for the placement of additional stormwater features.

DFW also offered the technical assistance of our program botanist, Bill McAvoy, in identifying appropriate plants for the landscape. He can be contacted at William.McAvoy@state.de.us or 302-735-8668. His assistance is still available. Finally, DFW expressed interest in working with the applicant to install additional habitat and stormwater resilience features on the adjacent Division-owned property. To date it we have not been contacted by the applicant or the applicant's representatives although reciprocal interest was expressed.

The stormwater plans included in these site plans appear virtually the same as those submitted previously. As such, our concerns regarding water quality and erosion remain, as does our desire to work with the applicant to make improvements to minimize impacts. Please contact Kate Fleming, DFW Environmental Review Coordinator, at Kate.Fleming@state.de.us or 302-735-8658 to discuss this project further.

B. DELAWARE DEPARTMENT OF TRANSPORTATION- Contact Jonathan Moore

Comment:

1. The site access on Rt. 13 or Hickory Ridge must be designed in accordance with DelDOT's Development Coordination Manual. A copy of the Manual is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>
2. Pursuant to Section P.3 of the Manual, a Pre-submittal meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there/ how to prepare for it is located at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf.
3. Section P.5 of the manual addresses fees that are assessed for the review of the development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review.
4. In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection" review:
 - Initial Stage Fee Calculation Form
 - Initial Stage Review Fee
 - Gate-Keeping Checklist – Site Plan
 - Design Checklist – Record Plan
 - Sight Distance Spreadsheet
 - Owners and Engineers' name and e-mail address
 - Record Plan
 - Conceptual Entrance Plan
 - Submission of the Area – Wide Study Fee (If applicable)
5. Referring to Section 3.4.2.1 of the Manual, the following items, among other things are required on the Record Plan:

- A Traffic generation Diagram. See 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 600 feet of the proposed entrance.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
6. In accordance with Section 3.5.4.2.A.3 of the Manual, DeIDOT will require construction of a sidewalk/ Shared Use Path along the property frontage of Rt. 13 and Hickory Ridge Rd.
 7. Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
 - Construction Stage Fee Calculation Form
 - Construction Review Fee
 - Gate-Keeping Checklist – Entrance Plan
 - Design Checklist – Entrance Plan
 - Auxiliary Lane Spreadsheet
 - Entrance Plan
 - Pipe/ Angle Spreadsheet (If Applicable)
 - SWM Report and Calculations (If Applicable)
 8. In accordance with Section 5.2.5.6 of the Manual, Turning Movement Diagrams shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.
 9. In accordance with Section 5.14 of the manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
 10. Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems open or closed, that fall outside the existing right-of-way or the drainage/ utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

C. DIVISION OF PUBLIC HEALTH Office of Engineering- Contact: William J. Milliken, Jr.

This application states that public water will be supplied by Tidewater Utilities, Inc. 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 for further information.

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 for further information.

D. KENT CONSERVATION DISTRICT- Contact Jessica L. Verchick, EIT

Source: 2014 Delaware Sediment and Stormwater Regulations

Requirements:

1. Schedule a pre-application meeting.
2. 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.
3. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for Stormwater management facilities must be provided on the Record Plan.
4. Ease of maintenance must be considered as a site design component and a maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.
5. All drainage ways and storm drain should be contained within drainage easements and clearly shown on the plan to be recorded by Kent County.

Comments:

1. Green Technologies (bio-retention, infiltration, filter strips and bio swales) must be considered prior to the use of traditional Stormwater methods (wet or dry facilities).

2. The designer is encouraged to consider the conservation design approach and limit the amount of tree clearing required for the development of the site including the stormwater management facilities shown in the wooded areas.
3. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been re-approved.
6. Proper drainage of developed lots and active open space should be considered in the development of the grading plan for this subdivision.

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 will 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

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services.

- ENC: Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Plot Plan
Exhibit C – Recommended Layout
Exhibit D – Wyndham Architectural Examples
Letter addressing APFO requirements
Waiver Request from County Code dtd. 1/12/15
Letter from Division of Fish and Wildlife
DelDOT Traffic Operational Analysis (TOA) Information
Email from DelDOT regarding TOA