

Kent County



Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT December 14, 2017

Application Number & Plan Title	:	S-17-09 Caesar Rodney Elem. School
Present Zoning District	:	AC (Agricultural Conservation)
Present Use	:	Vacant
Proposed Use	:	Public Elementary School
Relation to Growth Zone	:	Inside
Area and Location	:	25.00± acres on the southwest side of Briarbush Rd. (Co. Rd. 367), directly adjacent to Banning Rd. (Co. Rd. 366), west of Magnolia
Tax Parcel	:	NM-00-104.00-01-71.01-000

I. STAFF RECOMMENDATION:

The staff recommends **CONDITIONAL APPROVAL** of the proposed Site Plan for the use as a Public Elementary School 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 shall not commence and Building Permits shall not be issued until final plan approval is given.
2. Indicate the file number in the Data Column (S-17-09).

B. Recommendations:

1. The applicant is proposing a multi-modal path along the front property line to allow for connectivity to residential properties within close proximity.

Additionally, the applicant is proposing sidewalk connectivity from this shared path to the proposed elementary school at both proposed entrances. However, there is a portion of sidewalk that is along the northernmost drive aisle not currently connected to this path. Staff recommends connecting this portion of sidewalk to the proposed shared use path along the front in order to allow those community members wishing to use this entrance the opportunity to safely walk their children to the school without having to cross the main entry point of the school.

II. ADEQUATE PUBLIC FACILITIES ORDINANCE

A. APFO Compliance

This application for a public educational institution, pursuant to Sect. 187-90.2.D. of the Kent County Code, is exempted from the requirements of the Adequate Public Facilities Ordinance.

III. BACKGROUND INFORMATION:

- The property is zoned AC (Agricultural Conservation). This use as a public educational institution is a permitted use within the AC Zoning District. The proposed plan is in conformance with the Comprehensive Plan.
- The character of the surrounding area is agricultural and residential. The subject site is directly across from Country Field subdivision and is south of Barrett Farm subdivision, consisting of a variety of single family dwelling styles. Surrounding properties to the west, east and south are primarily agricultural, with one nonresidential use further to the east, a DelDOT maintenance yard.
- The applicant is required to go through the Site Plan process with approval by the RPC as the site improvements exceed 5,000 sq. ft. of impervious surface coverage. The applicant is proposing a 69,050 S.F. elementary school and a 5,000 S.F. maintenance building with associated site improvements.
- The applicant is proposing 74,050 S.F. in total floor area for an elementary school. Based on the parking calculation of one (1) parking space for every 20 classrooms seats, one (1) parking space for every 5 seats in all-purpose rooms, and three (3) spaces for visitors, a total of 162 parking spaces and two (2) loading spaces are required for the site. The applicant is providing a total of 173 parking spaces, 19 bus parking spaces, and two loading spaces, which includes six (6) handicap parking spaces.
- A Landscape Plan has been provided for the proposed tree plantings.
 - Based upon the area of this project the applicants are required to plant 139 trees. The plan meets the tree planting requirement with a combination of evergreen and deciduous trees to be planted around the perimeter of and throughout the site.

- There are a number of plants, trees, and shrubs within the designated parking area, meeting landscape island requirements.
- There is a foundation planting buffer between the parking spaces and the building on the east side of the site. The foundation planting buffer is a combination of shrubs and plants.

IV. AGENCY COMMENTS:

A. KENT COUNTY- Department of Public Works, Engineering Division –

Contact: Brian Hall

Requirement & Source:

1. This property is legally located in KCSDD1, Cypress Branch Area.
2. Adherence to the requirements of the accepted TFS, as amended, the Levy Court approved Preliminary Report and applicable sections of the Kent County Code, specifically Chapters 128 and 180.
3. Depiction of all SS easement, right-of-way and dedication areas.
4. Adherence to Kent County's Bulk Utility Standards, Chapter 187, as applicable.

Comment:

1. The Engineering Division grants "Conditional Approval."

B. DELAWARE DEPARTMENT OF TRANSPORTATION –

Contact: Jonathan Moore

Comment:

1. The site access on Briarbush Road 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:
 - a. Initial Stage Fee Calculation Form
 - b. Initial Stage Review Fee
 - c. Gate-Keeping Checklist – Site Plan
 - d. Design Checklist – Record Plan

- e. Sight Distance Spreadsheet
 - f. Owners and Engineers' name and e-mail address
 - g. Record Plan
 - h. Conceptual Entrance Plan
 - i. 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. A Traffic generation Diagram. See 3.4.2-a for the required format and content.
 - b. Depiction of all existing entrances within 600 feet of the proposed entrance.
 - c. 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, DelDOT will require construction of a sidewalk/ Shared Use Path along the property frontage of Briarbush 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:
 - a. Construction Stage Fee Calculation Form
 - b. Construction Review Fee
 - c. Gate-Keeping Checklist – Entrance Plan
 - d. Design Checklist – Entrance Plan
 - e. Auxiliary Lane Spreadsheet
 - f. Entrance Plan
 - g. Pipe/ Angle Spreadsheet (If Applicable)
 - h. 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.
 11. The Manual addresses that stormwater management facilities must be a minimum of 20 feet from the proposed right-of-way. Please verify you are meeting these criteria.

C. STATE OF DELAWARE - DNREC: Division of Fish and Wildlife-Wildlife Species Conservation and Research Program –

Contact: Kate Fleming, Wildlife Biologist/Environmental Review Coordinator

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.

D. DHSS - DIVISION OF PUBLIC HEALTH, Office of Engineering–

Contact: William J. Milliken, Jr., Engineer III

This application states that public water will be supplied by Artesian Water company, 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)741-8640 for further information.

E. 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:
 - a. The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - b. The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - c. 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.

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. Stormwater Management
- C. Office of State Fire Marshal
- D. DNREC (All Applicable Divisions)
- E. Kent County Public Works

ENC: Data Sheet
Exhibit A – Location Map
Exhibit B – Plot Plan (Cropped)
Exhibit C – Building Rendering
PLUS review comments dated 9/22/2016