



Kent County

Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP
Director of Planning Services

KRISTOPHER S. CONNELLY, AICP
Assistant Director of Planning Services

Phone: 302/744-2471
FAX: 302/736-2128

STAFF RECOMMENDATION REPORT January 4, 2018

Ordinance	:	LC17-26
Application	:	CZ-18-01 Reedy, Joanna
Present Zoning & Comprehensive Plan Map Designation	:	RS1 (Single Family Residential) Medium Density Residential
Proposed Zoning & Comprehensive Plan Map Designation	:	AR (Agricultural Residential) Low Density Residential
Area and Location	:	0.44± acres on south side of Strauss Ave. (Co. Rd. 186), across from Taraila Road (Co. Rd. 185), Marydel

I. STAFF RECOMMENDATION:

Based on the information presented, the Kent County Code, and the Comprehensive Plan, staff recommends **APPROVAL** of the request to amend the Zoning Map and Comprehensive Plan Future Land Use Map. The following are the findings of fact for staff's recommendation:

- The subject site is located outside the Growth Zone Overlay District and borders the Maryland State line on the west. The property is located on the northwest side of Marydel, which is predominantly zoned RS1. The parcel located immediately north of the subject site, across Strauss Avenue, and two parcels located immediately east along the same side of the road, are all zoned AR. Within one mile east of the subject site along Strauss Avenue, there are 6 parcels zoned IG, 2 parcels partially zoned BN, and 1 parcel zoned BG. However, the majority of parcels in the surrounding vicinity are zoned AR. (The 2 parcels partially zoned BN are being utilized residentially or agriculturally.)
- The Kent County Comprehensive Plan designates most of the surrounding area as Low Density Residential. The area to the southeast of the subject property is the town of Marydel and is predominantly designated as Medium Density Residential by the Comprehensive Plan.

- DelDOT has determined that no Traffic Impact Study will be required for this request.
- The Office of State Planning deemed this downzoning request to be exempt from review under the PLUS process, as it meets the following criteria:
 - a. *The rezoning is of a unique circumstance and cannot set a precedent for other lands in the vicinity.*

The unique circumstance in this case is that the land owner had a legal non-conforming use on the property and, in their process of improving the site did not know that the removal of the 1968 manufactured home would result in the loss of non-conformity. It is rare to have a manufactured home in the RS1 district since it would have needed to exist since prior to 1972, and because the other properties in this area do not have this non-conforming situation, this request should not represent a precedent for other lands in Marydel.

- b. *The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan.*

Based on the zoning, the Comprehensive Plan designated this area for medium density residential uses. All RS1 zoning in this area is original and was placed to support the small town of Marydel. The area around Marydel is not a location where we would support additional medium density zoning, due to the fact there are no planned utilities or services to support higher density uses. This lot being less than 0.50± is small enough where, if rezoned, it would not have an impact on the overall goals and objectives of the Comprehensive Plan.

- c. *The proposed rezoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not be divergent from the predominant pattern of development in the area.*

Other AR zoned properties are located in the area to the east and north of the site. The pattern of development in this rural part of Kent County shows a large portion of the residents prefer the option to build either a stick built home or a manufactured home. As stated above, the rezoning would be consistent with the uses and previous rezoning requests in the surrounding area.

II. BACKGROUND INFORMATION:

- The 0.44± acre site is currently vacant but was previously developed residentially with a legal nonconforming manufactured home. The character of the surrounding area is predominantly low density residential in nature, with the exception of Marydel located southeast of the subject site which is medium density residential in nature.

- There have been no previous rezoning applications on the subject site, but there have been 3 in the surrounding area. Most recently, CZ-06-06 was approved for a parcel north of the subject site, also bordering the Maryland State line. This approval downzoned 4 acres from IG to AR. Two additional rezoning applications, Z-89-49 and Z-87-25, were approved for parcels east of the subject site, and downzoned 0.592 and 1.7 acres from RS1 to AR. (These two parcels share an owner with the subject site.)

III. AGENCY COMMENTS:

A. KENT COUNTY, DELAWARE DEVELOPMENT ADVISORY COMMITTEE Kent County Department of Public Works, Engineering Division Contact: Brian L. Hall

Requirement & Source:

1. N/A

Comment:

1. The Engineering Division grants “Approval with No Objection to Recordation”.

B. KENT CONSERVATION DISTRICT Contact: Jessica L. Verchick, EIT

The reasons and conditions applied to this project and their sources are itemized below:

Source: 2014 Delaware Sediment and Stormwater Regulations

Requirements:

1. The Kent Conversation District has no objection to the proposed rezoning of the above referenced property.

Comments:

1. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet a detailed Sediment and Stormwater management Control plan must be submitted and approved to the Kent Conversation District.

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. 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 – Comprehensive Plan Map
Exhibit C – Plot Plan
Ordinance LC17-26
Support Facilities Report
PLUS Exemption Letter