

Kent County



Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT February 1, 2018

Application Number : CS-18-01

Site Plan Title : Tidewater Utilities

Present Zoning District : AR (Agricultural Residential)
AC (Agricultural Conservation)

Present Use : Public Utility (Well House & Storage Tank)

Proposed Use : Same

Location : 0.51± acre on Ironmine Rd. (Co. Rd. 251)
approximately 1,114' north of Horsepen Rd. (Co.
Rd. 252) and approximately 2,630' south of
Willow Grove Rd. (Rte. 10), west of Viola

Property Identification Number : SM-00-118.00-01-24.01-000

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 §205-329 Public Utilities and Uses.

A. Conditions of this use shall be as follows:

- 1) The use shall conform to such setback, screening, or other requirements as the Department of Planning Services, Division of Planning, shall deem necessary for the protection of neighboring and adjacent property.
- 2) Any principal part of a tower, excluding guy cables, shall be set back from the street line or any other lot line of the lot on which it is located a distance of not less than

the height of such tower, and any blinking or rotating light thereon shall be placed so as not to throw its light below the horizontal plane in which it is installed.

- 3) Any storage of materials or trucks, maintenance and repair facilities and housing of repair crews shall be contained within a building.
 - 4) All requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.
- B. The reviewing body may impose any other appropriate or more stringent conditions it deems necessary to protect the health, safety and welfare of the neighborhood.

The staff offers additional requirements, as follows:

- 1) The front and rear building restriction lines (B.R.L.) should scale out to 25' on the plan. Currently, the plan states that the front and rear setbacks are 25', but the plan is scaled to 40'.
- 2) Add a signature line to page C-201 of the plan for the Landscape Architect. Signature of a licensed Delaware Landscape Architect will be required prior to final plan approval.
- 3) Add a signature line to page C-201 of the plan for the owner of the property. Signature of the property owner will be required prior to final plan approval.
- 4) The final plan must be approved within 18 months of preliminary plan approval and construction shall commence within 18 months of final plan approval.

II. BACKGROUND INFORMATION:

- The Kent County Comprehensive Plan recommends that the subject property be utilized for low density residential purposes. The property is zoned AC (Agricultural Conservation) and AR (Agricultural Residential). These zoning districts provide for Public Utilities as a conditional use upon approval by the Levy Court through the Conditional Use/Site Plan process. If approved, this plan will comply with the Comprehensive Plan and the AC and AR zoning district requirements.

- The 0.51± acres subject site is currently improved with a well house and water tank. Applicant is proposing to demolish and remove the existing structures and replace with a larger well house and water tank. The existing gravel driveway will also be removed and replaced using the existing entrance.
- The character of the surrounding area is both agricultural and residential. The parcel is adjacent to Chelesa Villa subdivision. There are residential dwellings to the north, east, and west of the site. To the southeast of the subject site is a 312 acre tract of unimproved land owned by the State of Delaware Division of Fish & Wildlife.
- The applicant met with a member 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. The plan meets these minimal requirements.
- Proposed landscaping was provided as part of this submittal. The subject site abuts residentially zoned properties to the north and east. They will be maintaining some existing vegetation as a buffer and will be supplanting additional trees in other locations to form a full buffer from the residential neighbors.
- Proposed grading was submitted showing the proposed site changes to accommodate the use. The site will be graded to run water to an existing tax ditch along the southern property line.
- 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.

III. AGENCY COMMENTS:

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS

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

B. KENT CONSERVATION DISTRICT

Source: 2014 Delaware Sediment and Stormwater Regulations

Requirements:

1. The Kent Conservation District has no objection to the proposed approval and/or issuing of construction permits for the above referenced site.

Comments:

1. The proposed site improvements are less than 5,000 square feet, the site is therefore exempt from stormwater requirements.
2. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing, etc.) takes place and exceeds 5,000 square feet, a detailed Sediment and Stormwater

Management Control plan must be submitted and approved by the Kent Conservation District.

C. DELAWARE HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, OFFICE OF ENGINEERING

This project will require the owner to obtain a *Certificate to Construct* from the Office of Engineering if constructing a new water system or altering an existing water system.

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, Engineer, or Doug Lodge, PE, at (302)741-8640 for further information.

IV. 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
4. Delaware Division of Public Health, Office of Engineering

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 – Plot Plan
Preliminary Site Plan