

Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT June 7, 2018

Application Number	:	C-18-03 Durham, Whitney
Present Zoning District	:	RS1 (Single Family Residential)
Present Use	:	Residential
Proposed Use	:	Same with Home Occupation (<i>Home Daycare</i>)
Relation to Growth Zone	:	Inside
Area and Location	:	0.17± acre on the northern side of Richard Bassett Road, approximately 235' west of Nathaniel Mitchell Drive and approximately 994' east of John Clark Road, further described as lot #31 of the Rodney Village subdivision, south of Dover

I. STAFF RECOMMENDATION:

The staff recommends **Conditional Approval** provided the applicant/owner demonstrates compliance by making driveway improvements to the property (stone/crusher run) to be compliant with the conditions for approval specific to parking requirements of a home occupation, as outlined in the Code.

The Kent County Code requires the owner/applicant to expand the off-street parking area to fulfill the requirement as noted in item F below. The applicant is applying for a home daycare, which allows up to 9 children. Kent County Code Section 205-226 states that a Child Care Center requires 2 parking spaces for each group of 5 children or fraction thereof. Kent County Code Section 205-221 states that parking spaces shall be at least 9' wide by 18' long. The existing driveway is approximately 8' wide by 28' long, which provides a single parking space. (See Attached Exhibit C)

This driveway expansion may require a permit/review by DelDOT and final approval of this home daycare shall be withheld until the approved driveway expansion meeting the Kent County Code is verified by the Department's inspection staff to the satisfaction of the Director of Planning Services.

§205-366. Home Occupations

Conditions of this use shall be as follows:

- A. The owner/operator shall secure a zoning certificate of use for a home occupation from the Department of Planning Services, Division of Planning. The dwelling shall be the bona fide residence of the operator of the occupation.
- B. The use shall not change the character of the dwelling unit or residential premise nor have any exterior evidence other than an identification sign as provided for in Article XVIII.
- C. There shall be no person engaged or employed other than members of the household residing on the premises.
- D. The use of property shall not change the general character of the neighborhood.
- E. The occupation shall create no noise, traffic, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any extent greater or more frequent than that usually experienced for an average residential use in the district wherein located.
- F. The need for parking generated by such use shall be provided off street and shall be prohibited in the required front yard. Required parking shall be provided in accordance with provisions of Article XVII, Parking.

II. BACKGROUND INFORMATION:

- The 0.17± acre site is currently improved with a one-story single family dwelling. The character of the area is residential in nature, being lot #31 of the Rodney Village subdivision.
- The applicant began the administrative process of a home occupation for an at-home daycare serving no more than nine children on or around March 29, 2018.
- Four letters of objection were received during this process from neighboring property owners causing the application to move to a Conditional Use process. Cited reasons for concern included the following:
 - *Parking will be an issue as the streets are small; Extra noise; Pick-up and drop-off on a(n) already crowded street.*
 - *I'm concerned of automobiles and increased traffic coming in and out. Also possible use of street space to wait while picking client up. Don't know who will be future clients and their backgrounds. There's also another daycare in the corner.*
 - *Too much traffic already without a second daycare. Parking is limited and people do not respect other people's ability to get out of their own driveways. There is a problem with the children not respecting the drivers when they want by. The children like to play in the street, not in the yard.*

- *I feel (it) could become a nuisance, as the proposed daycare is right next door to my home. I have concern of working the night shift and not being able to rest properly due to hearing the children play outside of my bedroom window. There is often a significant amount of traffic on this street and I have a concern for the safety of the children as a result.*
- There have been no previous land use applications on the subject property.
- There have been two similar requests within Rodney Village:
 - C-06-12 approved a home daycare at property south of the subject site, known as 289 Gunning Bedford Drive
 - HP-09-29 approved a home daycare at property south of the subject site, known as 1589 John Clark Road
- And two similar requests in the nearby subdivision, Kent Acres, which is located across Dupont Highway from Rodney Village:
 - C-05-25 approved a home daycare at property east of the subject site, known as 10 Wayne Drive located within the Kent Acres subdivision
 - C-05-31 approved a home daycare at property east of the subject site, known as 70 Edgewood Road located within the Kent Acres subdivision

III. AGENCY COMMENTS

A. KENT COUNTY – Department of Public Works, Division of Engineering – Contact: Brian L. Hall, Engineering Project Manager II

Requirements & Sources:

1. If there are additional water using fixture units being proposed, then there may be sanitary sewer (SS) impact fees due, via the City of Dover.
Rodney Village is located in the COD SS service territory.

Comment:

1. The Engineering Division grants “Conditional Approval”, if the prior requirement is applicable.
2. The Engineering Division grants “Approval With No Objection to Recordation”, if the prior requirement is not applicable.

B. CITY OF DOVER – Department of Public Works

Contact: Jason A. Lyon, P.E.

City and State Code Requirements:

Water:

1. Our office has no objection to the conditional use proposed for the subject property.

2. Due to the fact that this property is changing uses, water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

Wastewater:

1. Our office has no objection to the conditional use proposed for the subject property.
2. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

Stormwater / Sanitation / Grounds / Streets

1. None

General:

1. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format).

Recommendations Suggested as Conditions of Approval to Meet Code Objectives:

Water / Wastewater:

1. If a change in plumbing fixtures, either increase or decrease, is proposed for this project, please provide an existing and proposed fixture count prior to plan approval. Site visits can be scheduled to obtain an accurate existing plumbing fixture count.

Advisory Comments to the Applicant:

Water:

1. Water impact fees may be associated with this project.
2. This lot shall be served by a single water service line which shall be furnished and installed by the property owner. In the event a property contains multiple principal structures, the property shall be served by a single water main where a water service line may be provided to each principal structure. Each structure which is capable of being offered for sale shall have its own separate water facilities.

Wastewater:

1. Wastewater impact fees may be associated with this project.
2. This lot shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. In the event a property contains multiple principal structures, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principal structure. Each structure which is capable of being offered for sale shall have its own separate wastewater facilities.

Stormwater / Streets / Grounds / Sanitation:

1. None

C. DNREC: Division of Fish and 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. Delaware Department of Transportation -

Contact: Joshua J. Schwartz

Comments:

1. DelDOT, Subdivision has no comments at this time.
2. Plans shall be submitted to DelDOT subdivisions for review. The entrances shall be designed in accordance with the DelDOT Development Coordination Manual.

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 – Plot Plan

Exhibit C – Required Parking Expansion