

Kent County



Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT June 7, 2018

Application Number	:	CS-18-04
Site Plan Title	:	Dunkin Donuts – Maxwell St.
Present Zoning District	:	BG (General Business)
Present Use	:	Vacant Commercial Building
Proposed Use	:	Drive thru Coffee Shop
Area and Location	:	0.57± acres on north corner of North Dupont Hwy (US Rt. 13) and Maxwell St., north of Dover
Kent County Property Identification Number	:	ED-00-057.02-01-08.00-00001

I. STAFF RECOMMENDATION:

The staff recommends **CONDITIONAL APPROVAL** based on the information submitted as the application demonstrates compliance Kent County Code.

A. Code Requirements:

1. §205-27 requires that refuse and containers may not be visible from outside of the screening and the height of the screening may not be less than that of the refuse or containers. Please provide a detail of the screening that meets this requirement on the plan.
2. Add the amount of parking required by code (15) in the data column.
3. Designate an area on the plan that will be used as a loading space with a minimum size of 15' x 35'.
4. Add the Kent County Planning Services file number CS-18-04 to the title block of the site plan.
5. 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.

B. Recommendations:

1. The staff recommends that the Commission consider the architectural design of the proposed changes to the structure. The 2007 Comprehensive Plan stated the following guideline for non-residential uses from the Community Design chapter:

“Chain stores, fast-food restaurants, gas stations and convenience stores, and big-box retailers must design buildings that match the character of the area;”

The commission should consider the design of the building presented and decide if it will fit within the character of this area or if recommendations need to be given to look more appropriate for this part of the county.

Based on the elevations submitted by the applicant, the staff specifically wants to recommend that the signage shown on a wall extension above the roof line be limited to only one side of the building and that it extend no further than 4’ above the existing roof. The other façade shall have a sign that must be placed on the existing building without the wall above the roof. This would allow only one side to have the wall extension sign that is built over the existing roof line. Here is an example of the staff’s recommendation:



Furthermore the staff recommends that the detached sign for the new business be no larger or taller than the existing sign on this parcel and that it be remain static in nature (no electronic variable signage). The character of the area seems to dictate that the signage being recommended is the most compatible with existing businesses. Using Outback, Starbucks, and Chick-fil-A as examples (see photos below) of newer restaurants in this area where attached signs are not going above the roof and detached signage is relatively small and not electronically variable.

Chick-fil-A – 2 attached signs, 1 on wall extending above roof line. 1 static detached sign



Starbucks - 2 attached sign on wall. Logo on façade above roof line. Small static detached sign.



Outback – 2 attached sign on wall. No detached sign.



2. Landscaping and natural areas are important parts of site redevelopment in the county. The site is currently covered at 65% with impervious surfaces and there is no landscaping. The applicant is proposing additional coverage up to 74% and will be planting landscaping throughout the site. Because of the existing legal non-

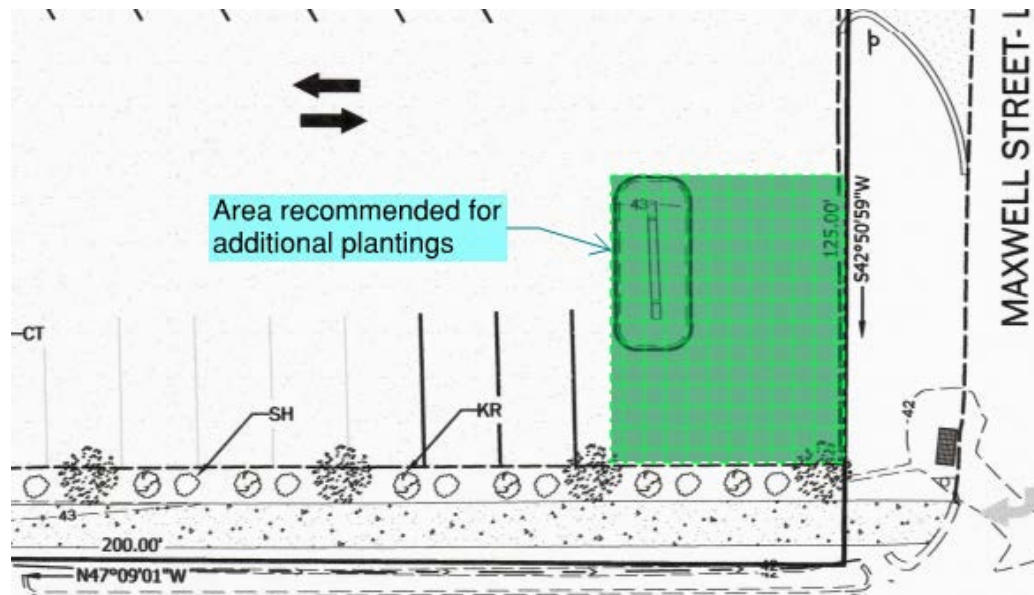
conforming nature of the site design, they are not able to fully meet the current code requirements for parking area plantings. Looking at the 2007 Comprehensive Plan, the following guidelines for non-residential uses from the Community Design chapter should be considered:

“Landscaping should be integrated into the building design concept;”

and

“.....pedestrian oriented features, such as sidewalks, indirect lighting and landscaping are essential;”

To this end, the staff recommends that the area underneath the detached sign be changed from a paved area to a landscaped area with a combination of ground cover and low profile shrubs and bushes. This should be installed from the small grass area around the base of the sign straight out southeast to the Maxwell St. grass area and straight out southwest to the North Dupont Highway landscape area (see exhibit below). This will form a rectangular planting area that is about 22' x 33' and will help off-set the plantings that would have been required in the parking area. Additionally, it will reduce the overall lot coverage by about 700 sq. ft. which will help with storm water management and run-off in this highly developed area.



3. The 2007 Comprehensive Plan outlined the following recommendation in the transportation chapter:

“Provide businesses with adequate access to labor by encouraging affordable multi-modal transportation options including separate pedestrian and bicycle facilities;”

There is a sidewalk built along Rt. 13 that is to be retained, but to further satisfy this section, the staff recommends that a bike rack large enough to accommodate at least four (4) bicycles be added to the site plan.

II. ADEQUATE PUBLIC FACILITIES ORDINANCE

The Emergency Medical Services, School, and Central Water Service are not applicable to this application because those standards only apply to residential subdivision and land development.

With respect to the Roads element of the Adequate Public Facilities Ordinance, staff has determined that road capacity exists to serve the proposed development. The Ordinance provides that if a proposed land development meets any one of the following criteria, a Traffic Impact Study shall be conducted:

- a. The proposal exceeds the projected average daily traffic warrants provided in DeIDOT's "Rules and Regulations for Subdivision Streets" as amended;
- b. The proposal is projected to generate more than more than fifty (50) peak hour trips, excluding traffic passing by the subject property, unless the project is located in a DeIDOT Special Study Area or District as designated by mutual agreement between Kent County and DeIDOT;
- c. The area of influence of the subject property includes roadway segments and intersections currently operating below the level of service D; or
- d. The proposed development causes the total number of dwelling units within the Traffic Analysis Zone (TAZ) to exceed the projected totals set forth in the Dover/Kent County MPO Transportation Improvement Plan.

Paragraph (d) deals with increasing the number of dwelling units within the TAZ. This application will not add any dwelling units to the TAZ and this paragraph is not applicable to this application.

The proposal is for a nonresidential land development and the applicant has indicated that the project will generate more than fifty (50) peak hour trips. The applicant has indicated the peak hour trips will be 68 trips. This would require a Traffic Impact Study (TIS) to be completed.

§187-90.2.F(3)(d) provides options for a waiver from the TIS requirement. Section [2] states that if...

The proposed project is within a transportation improvement district or similarly defined area as designated by mutual agreement between Kent County and DeIDOT, as identified by DeIDOT, and trip generation numbers provided for the proposed subdivision or land development, as approved by DeIDOT, do not change the projected traffic volumes upon which roadway improvements designed by or approved by DeIDOT for the district or area have been based by more than 5%. The applicant shall contribute to transportation improvement costs within the district or area based upon a formula to be developed by DeIDOT.

To address this issue, DelDOT has submitted a letter (attached) stating that this is located in an area that is currently being worked on to be established as a Transportation Improvement District (TID). They agree that it can be considered development within a TID. They have required the applicant to pay an Area-Wide study fee and complete a Traffic Operational Analysis in lieu of completing the TIS. They further have verified that the development will not increase the traffic volumes by more than 5%. As stated in the attached email, it would increase 2.2% or less.

After review of this data, the Planning Department agrees that a Traffic Impact Study is not warranted for this project.

The proposed project is therefore compliant with the Adequate Public Facilities Ordinance.

III. BACKGROUND INFORMATION:

- The Kent County Comprehensive Plan recommends that the subject property should be utilized for highway commercial purposes. The property is zoned BG (General Business). This zoning district provides for fast food/drive-thru restaurants as a conditional use for approval by the Levy Court through the Conditional Use / Site Plan process. If approved, this plan will comply with the 2007 Comprehensive Plan and the BG zoning district requirements.
- The 0.57± acre subject site is currently improved with a 1,333 sq. ft. building with a parking area.
- The applicant is proposing to add a drive-thru lane that will wrap around the rear of the building. They will also be making some minor changes to the parking area to meet some of DelDOT's entrance design requirements.
- The character of the surrounding area is both commercial and residential in nature. Along Route 13 in both directions are commercial uses. Behind the subject site along Maxwell St. are existing residential uses.
- The applicant and engineer met with members 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.
- Variance application A-18-03 was granted in March of 2018 for this project from the following provision:
 - Reducing the required drive aisle setback from 15' to 2' along the side property line. This was to facilitate the construction of the drive-thru lane around the building.
- A general layout of the proposed landscaping is provided for the site that meets the requirements of §187-79(D). This requires the planting of five trees around the site. They will also be planting screening along the rear lot line and some canopy trees and smaller bushes along the front property line.
- The plan indicates that they will utilize an on-site well and septic to serve the site. The Department of Public Works will need to approve the waiver request from §187-53.D(3) that requires any non-residential project in the growth to connect to county sewer. This documentation must be provided prior to final approval.
- A grading plan was provided showing the proposed changes to the site.

- 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.

VI. AGENCY COMMENTS:

A. DELAWARE DEPARTMENT OF TRANSPORTATION –

Plans shall be submitted to DelDOT subdivisions for review. The entrances shall be designed in accordance with the DelDOT Development Coordination Manual.

B. DNREC – Delaware Division of Fish and Wildlife, Species Conservation and Research Program

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.

C. KENT COUNTY DEPARTMENT OF PUBLIC WORKS -

Recommendation:

1. Please contact the City of Dover to determine the availability/feasibility of central water and/or central sanitary sewer.

Comment:

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

VII. 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. Office of Public Drinking Water
5. DNREC Septic Approval
6. Kent County Department of Public Works (Waiver from Sewer connection)

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
APFO Compliance Form
Letter from DelDOT addressing APFO dtd. 5/30/18
Email from DelDOT verifying ADT dtd. 5/30/18
Waiver Request dtd. 4/11/18
Elevations and Floor Plan
Preliminary Site Plan