

# Kent County

## Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP  
Director of Planning Services

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

KRISTOPHER S. CONNELLY, AICP  
Assistant Director of Planning Services

### STAFF RECOMMENDATION REPORT June 14, 2018

<b>Application Number</b>	:	S-18-01
<b>Preliminary Plan Title</b>	:	Dollar General Forrest Ave.
<b>Present Zoning District</b>	:	BN (Neighborhood Business)
<b>Present Use</b>	:	Agriculture
<b>Proposed Use</b>	:	9,100 Square Feet Retail
<b>Relation to Growth Zone</b>	:	Outside
<b>Area and Location</b>	:	3.41 acres $\pm$ on the northwest corner of Forrest Ave. (DE Rt. 8) and Winding Creek Rd. (Co. Rd. 159), west of Dover
<b>Water &amp; Sewer</b>	:	On-site Well & Septic

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#### **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 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 may not commence until final approval is given.
2. The traffic diagram will need to be updated based on the letter submitted

by the engineer and any final requirements from DelDOT as part of the process to receive a Letter of No Objection.

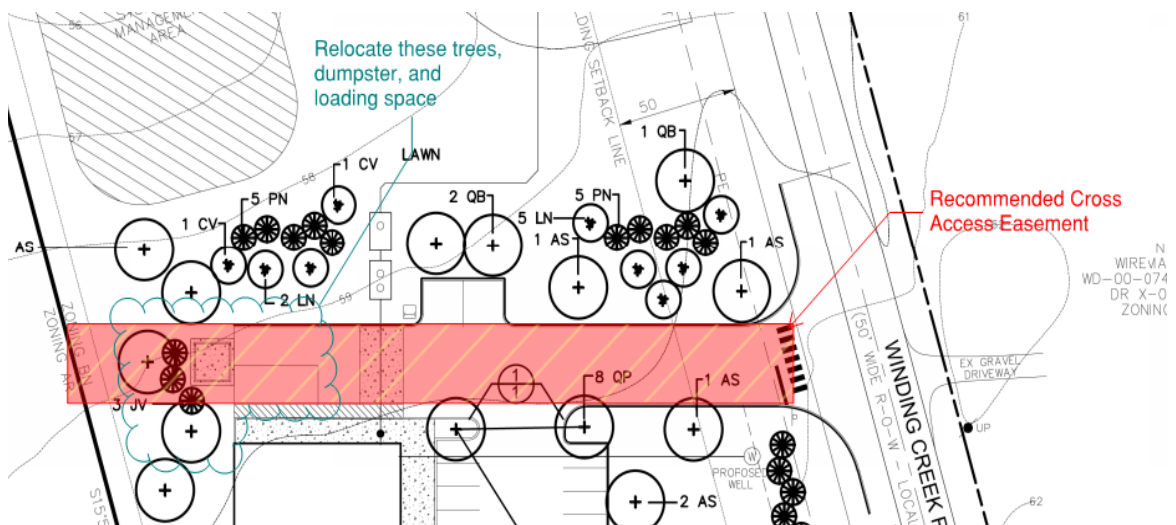
3. §205-27 requires that refuse and containers may not be visible from outside of the screening and the height of the screening may not be less than that of the refuse or containers. Please provide a detail of the screening that meets this requirement on the plan.

## B. Recommendations

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

*“Continue to apply access management techniques preserving and improving the operating condition of corridors by regulating the number, spacing, and design of access points;”*

To satisfy this recommendation and to anticipate the development of the parcel to the west of the subject site, the staff recommends that a connection to this parcel be designed as part of this site plan. This would remove the need to have a new entrance be located on Halltown Rd. for any future development and help retain the current operating condition of the Rt. 8 corridor. The most appropriate way for this to occur would be to use the entrance and drive aisle from Winding Creek Rd. and extend it past the building to the residual lands owned by P. Lloyd and David E. Sheats. To do this, the site plan should relocate the dumpster enclosure and proposed tree plantings to not block this direct access to the neighboring lot. The paving to the lot line would not need to be expanded as part of this design, but a cross access easement should be recorded from the entrance on Winding Creek Rd. to the property line in anticipation of this being built in the future. The plan should also designate a potential future location for the loading space. See sketch below outlining this recommendation.



2. The staff recommends that the Commission consider the architectural design of the proposed signage. 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 staff recommends that the use be limited to one detached sign and it be of the monument style to be setback at least 5 ft. from the front property line. The top of the sign should not be taller than 6 ft. above grade and have a maximum size of 32 sq. ft. Detached signage shall remain static in nature (no electronic variable signage permitted). This will help protect the remaining residential and agricultural nature of the area. It would also be more in line with the signage on the commercial properties across from this site which appear to be 10-15 feet tall and no larger than 32 sq. ft., albeit not of the monument variety. The applicant also has the ability to place attached signs on two sides of the building that can be no larger than 10% of that building façade. See below picture for example of the detached sign that is being recommended.



3. The staff also recommends the RPC give considerable attention to the architectural integrity of the proposed building and that additional architectural features be incorporated into the building in conformance with the Community Design chapter of the 2007 Kent County Comprehensive Plan which states that:

*“large expanses of blank walls are to be avoided. The public façade should incorporate windows and primary doorway entrances along the street frontage, as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines and overhangs.” In addition it states that “proposed buildings on corner properties should reflect a public façade on both street frontages.”*

Architectural renderings were provided as part of this application (see attached). They show that the front of the building facing Winding Creek Rd. will include a masonry wall face under a metal wall that leads to the roof. The other sides of the building are metal walls. No other features appear to be included on the building.

Staff recommends that additional architectural features be incorporated on all sides of the building due to the lot's location on two (2) street frontages. The result would be more aesthetically pleasing to both the employees, customers, and the citizens passing the site on Halltown Rd. and Winding Creek Rd., as well as any future use on the residual land to the west. On the entrance side of the building, the doorway itself should include an entrance feature such as a porch, portico, awning, entrance walk, or other similar feature. This façade shall also have at least two "functioning" windows on each side of the entrance door and they should incorporate projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines and overhangs. The left elevation of the building should also include at least three of these "functioning" windows with associated projecting elements. The remaining two facades would not be required to provide functioning windows but should include features that breakup the long expanse of blank wall. This could include non-functioning windows with projecting elements or architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like to create shadow lines. Here are a few examples of Dollar General buildings that closely resemble these recommendations:







Further it is recommended using multiple-facade materials that include durable exterior surface materials that complements and are visually compatible with the color, texture, size, and scale of exterior materials reflected on existing buildings in the vicinity. Here are a few examples of what the applicant could consider:





Additional guidance for this type of design can be seen in Kent County Code §187-90.1.I(4). Revised architectural renderings showing the proposed design shall be submitted prior to final approval.

## **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 DelDOT'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 DelDOT Special Study Area or District as designated by mutual agreement between Kent County and DelDOT;
- c. The area of influence of the subject property includes roadway segments and intersections currently operating below the level of service C; 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 not generate more than fifty (50) peak hour trips. The applicant has indicated the peak hour trips will be 43 trips. This would not require a Traffic Impact Study to be completed.

The ordinance provides that the area of influence shall extend beyond the site entrance to include additional intersections to the extent that the total projected peak hour site traffic exceeds 10% of the AADT on local roads. Winding Creek Rd. is considered a local road. DelDOT states that the 2017 AADT for this section of Winding Creek Rd. is 88. Because the peak hour trips exceed ten percent (10%) of the AADT (8.8), the area of influence does extend beyond the site entrance and the level of service in this area must be analyzed.

To address this issue, DelDOT has submitted a letter analyzing the level of service of intersections in the area. They have determined that all intersection sin the study area would be at a level of service of C or better and therefore find that no Traffic Impact Study is needed. 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. WAIVER REQUEST:**

Section 187-80 states: Where it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the applicant because of unusual topography or other conditions which are not self-imposed, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Commission may modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter or be contrary to the goals and objectives of the Comprehensive Plan for the County.

- The applicant has submitted a letter requesting a waiver from the requirement that a sidewalk be installed along arterial and collector roadway frontage of a property by the owner or applicant of the property whenever such property is the subject of a subdivision or land development proposal which requires Regional Planning Commission or Levy Court approval. [pursuant to Section 187-60.A.]. This section requires that a sidewalk be constructed along the Halltown Rd. frontage but does not require it along Winding Creek Rd.

The Planning Staff recommends that this waiver be **denied**. It is true that no sidewalks exist adjacent to the property currently, but the property across Winding Creek Rd. is zoned BG and would be required to construct the sidewalk along Halltown Rd when it develops. Additionally, it's anticipated that the property to the west of this site, in common ownership, will be requesting a commercial rezoning at some future time. If approved and developed, this parcel would also be required to build this infrastructure. This area along Rt. 8 has a few small commercial uses already and we may be seeing a further change of character from residential/agricultural to commercial that matches these existing uses. It is prudent that this property be required to provide the sidewalk so that all future site plans also install them to ensure we get the connected pedestrian network that is the goal of the Code.

#### **IV. BACKGROUND INFORMATION:**

- The Kent County Comprehensive Plan recommends that the subject property be utilized for neighborhood commercial purposes. The property is zoned BN (Neighborhood Business). The code provides for variety stores as a permitted use upon approval by the Planning Commission through the Site Plan process. If approved, this plan will comply with the Comprehensive Plan and the BN zoning district requirements.
- The subject site is 3.41 ± acres and is currently vacant. An application to rezone the parcel was submitted (**CZ-17-05**) and was approved May 23, 2017, rezoning the site from AR (Agricultural Residential) to BN (Neighborhood Business).
- The applicant is proposing a 9,100 sq. ft. retail building with associated parking for cars, buggies, and bicycles.
- The plan indicates that they will utilize an on-site well and septic to serve the site. Approval of these systems from the applicable states agencies must be provided for final approval.
- The character of the area is low-density residential in nature, with one commercial use (hair salon) in the vicinity. Single-family dwellings are located to the south and east of the subject property along Forrest Ave and Winding Creek Road. Vacant farmland slated for a major subdivision, Winding Creek Estates is located to the north of the subject site.
- 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 Site Plan approval process were discussed.
- Variances were requested (**A-17-48**) and granted by the Board of Adjustment at their meeting on December 21, 2017, for the following:
  - Reduction of the minimum required parking spaces from 57 to 45;
  - Removal of the foundations plantings along the building;
  - Allowed parking within the front yard setback when a non-residential property abuts a residential use or district.
- A Landscape Plan has been provided showing the placement of the required 50 trees. These trees cannot be counted towards the buffer and parking islands, so



they are also planting trees and shrubs along both roadways as well as in the parking islands.

- 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.

**V. AGENCY COMMENTS:**

- A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, Engineering Div. –**  
Contact Brian Hall - Engineering Project Manager II

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

**VI. 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 will be required prior to final approval:

- A.** DelDOT, Division of Highways
- B.** Kent Conservation District
- C.** Office of State Fire Marshal
- D.** DNREC, All applicable divisions

ENC: Data Sheet

Exhibit A – Location Map

Exhibit B – Plot Plan

Building Elevations supplied by applicant

Letter from DelDOT addressing APFO requirements dtd. 4/30/18

Letter from engineer RE: Trip Counts and APFO dtd. 1/10/18

Waiver request from engineer dtd. 5/2/18

Preliminary Plan