



# Kent County

## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT June 14, 2018

**Application Number** : S-18-02

**Preliminary Plan Title** : DNREC Bayshore Byway

**Present Zoning District** : AC (Agricultural Conservation)

**Present Use** : Offices, Maintenance, Educational Center,  
Outdoor Recreation Location

**Proposed Use** : Same with Visitor Center, DNREC Police  
Building, Storage Facilities

**Relation to Growth Zone** : Outside

**Area and Location** : 1,483.76± acres (Area of Development: 8.46±  
acres) located on the east side of Bayside Drive  
(DE Rt. 9), 0.4± miles north of the intersection  
with Pickering Beach Road (Co. Rd. 349), south  
of Little Creek

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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 final landscape plan shall be compliant with 205-224C, which requires the following items below, unless otherwise approved through the Board of Adjustment.
  - a. For each eight-foot by eighteen-foot planting island, one deciduous shade tree with underplanting.
  - b. For each six-foot by forty-two-foot planting island, at least two deciduous shade trees with at least 10 evergreens that will reach three feet in height at maturity.
  - c. For each six-foot by eighteen-foot planting area, at least one deciduous shade tree and at least five evergreens that will reach three feet in height at maturity.
  - d. For each six-foot planting strip:
    - Deciduous shade trees planted at an average of 30 feet on center with underplanting; or
    - Ornamental trees at least eight feet in height planted at an average of 15 feet on center with underplanting.
  - e. For foundation planting, a combination of ornamental trees, evergreens and shrubs with seasonal underplanting.
3. Should the waiver request from the tree planting requirements (listed below) be denied, an overall tree-planting plan for the subject site shall be provided. Such plan shall outline the location of where the proposed trees are to be planted in addition to the species.

#### **B. Recommendations:**

1. 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;”*

This site is located on Rt. 9 which has been established as a Regional Bicycle Route that has a bikeway. To support this resource and to attract non-vehicular trips to this enviro-tourism attraction, the staff recommends that a bike rack large enough to accommodate at least eight (8) bicycles be added to the site plan.

## **II. WAIVER REQUESTS**

### **A. §187-60 (A&B) Sidewalk Requirement**

The applicants are requesting a waiver from the required sidewalk along the frontage of Bayside Drive, which is classified as a major collector. Additionally, the applicants are requesting a waiver from the required sidewalk along private access roadways and site entrances that provide continuous pedestrian access from the frontage sidewalk to existing and proposed buildings on the premises. The applicants have stated that the subject parcel is located in a remote location non-contiguous with any commercial or residential properties; therefore, isolated pedestrian traffic should not be promoted to the subject area.

### **B. §187-74 (D) Tree Planting Requirements in Nonwoodlands**

The applicants are requesting a waiver from the requirement that trees of 2-inch caliper be planted at a rate of 1 tree per 3,000 square feet of area. Alternatively, the applicants are proposing to expand an existing woodland habitat by planting container trees at an average of 1-inch caliper at a rate of one tree per 435 square feet. The applicant is proposing to plant 808 trees overall, but is requesting that 727 of the planted trees be guaranteed for a one-year period due to an average 90% survival rate. The applicant is also proposing to enhance existing meadows with wildflowers to promote a wildlife habitat.

The Planning Staff has reviewed the request and recommends that both waivers be **granted**. The character of the Bayside Drive corridor around the subject site is low-density, rural in nature and is currently not conducive to a contiguous pedestrian network. There are internal pedestrian pathways to navigate the site and promote the experience at the visitor center. The proposed tree plantings outlined by the applicant appears to meet the intent of the code and is going above and beyond to ensure the protection and enhancement of the wildlife area on the subject site.

## **III. ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)**

### **A. APFO Compliance**

This application must comply with the Adequate Public Facilities ordinance, but only the roads section will apply to a non-residential site plan.

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 that the greatest peak hour trips will be 14. This figure is less than 50 peak hour trips and would not require a Traffic Impact Study to be completed.

To ascertain whether the area of influence of this project extends beyond the site entrance of the property, the following calculations were made. The AADT (Annual Average Daily Traffic) for Bayside Drive is 1,542. This is classified as a major collector

that calls for the above number to be multiplied by 5%. Doing so results in 77 trips. The maximum number of peak hour trips generated by this use is 14 trips. Since this trip count does not exceed the above calculated value, the area of influence for this application does not extend beyond the site entrance. No traffic impact study is required and levels of service are not examined for this application.

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

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

- The property is zoned AC (Agricultural Conservation). The purpose of this project is to provide for the proposed Visitor Center, Staff Building, Natural Resources Police Building, and associated improvements. Uses such as wildlife preserves, nature areas, public services, and community facilities are a permitted in this zoning district.
- The character of the surrounding area is agricultural as well as preserved wildlife and nature areas. There are limited single family dwellings fronting along the county roads in the vicinity of the project. The remainder of the site is surrounded by farmland and tidal areas.
- The applicants are required to go through a site plan process to be approved by the RPC since the site improvements exceed 5,000 sq. ft. of impervious surface coverage. They are proposing to construct a visitor's center, staff building, a pavilion, an extended fisheries barn, a wildlife pole barn, a natural resources building, and a number of sheds to support the site. The square footage of existing buildings is 31,363 square feet. The applicants are proposing an additional 24,981 square feet in buildings. The applicants are also proposing to relocate a number of supporting structures on the site.
- A landscape plan has been provided for the proposed tree plantings and parking areas. While the parking islands on the plan show the required deciduous trees, additional plantings such as evergreens and ground cover will be required at the time of final site plan approval, unless otherwise determined by the Board of Adjustment.
- Grading plans have been provided showing the proposed changes to the land. The site plan will need a letter of no objection from the Kent Conservation District prior to final plan approval.

#### **V. AGENCY COMMENTS:**

##### **A. DEVELOPMENT ADVISORY COMMITTEE (DAC) Kent County Department of Public Works, Engineering Division Contact : Brian L. Hall**

Requirement:

1. N/A

Comment:

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

**C. DELAWARE DEPARTMENT OF TRANSPORTATION**

**Contact: Joshua J. Schwartz**

**Comment:**

1. DelDOT, Subdivision has no comments at this time.
2. Plans may need to be submitted to DelDOT subdivisions based on the expected traffic. DNREC should contact DelDOT subdivisions to discuss expected traffic

**D. DNREC- Division of Fish & Wildlife- Species Conservation and Research Program**

**Contact: Kate Fleming**

S-18-02 Little Creek Wildlife Area Land Development Plan

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. Rare species documented on this tract of the Little Creek Wildlife Area are well removed from the location of this project.

**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)

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-C  
Site Plan  
Sidewalk Waiver Request  
Tree Planting Waiver Request  
APFO Compliance Form