

# Kent County



## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT July 5, 2018

<b>Application Number</b>	:	CS-18-05
<b>Site Plan Title</b>	:	Crossings at Kent – Senior Living Facility
<b>Present Zoning District</b>	:	RM (Multi-Family Residential)
<b>Present Use</b>	:	Vacant
<b>Proposed Use</b>	:	Senior Assisted Living / Nursing Home
<b>Area and Location</b>	:	7.34 ± acres located on the northern side of E. Lebanon Rd. (DE Rt. 10), across from the intersection with Sorghum Mill Road (Co. Rd. 26), approximately 1,600' south of the entrance to Planters Run subdivision (N. Planters Ln.) , west of Dover
<b>Kent County Property Identification Number</b>	:	NM-00-086.00-01-31.00-000 & NM-00-086.00-01-32.00-000

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#### **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. The two parcels must be combined as part of the process. The applicant can record the site plan as part of the final approval to expunge this line or they can go through the separate administrative review for a lot consolidation plan. The staff recommends that the later be used so that any site plan revision is not encumbered by the recorded document.
2. §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 enclosure that meets this requirement on the plan.

3. Add the Kent County Planning Services file number CS-18-05 to the title block of the site plan.
4. 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 signage. The 2007 Comprehensive Plan stated the following guideline for non-residential uses from the Community Design chapter:

*“...development of commercial and industrial uses should incorporate design elements that reduce the negative visual impact on an area as well as integrate it with the surrounding area”*

The staff recommends that any detached sign built 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). The proposed use is considered non-residential in the zoning code, but functionally there will be full time residents on site. Other residential uses in the area (Planters Run, Grand Oaks, Twelve Oaks) have an identifying sign at their entrance that is in the monument style that are closely aligned with the height and size that is being recommended. Additionally, this sign should incorporate the same brick that is being recommended for the building façade in recommendation #2 below.

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

*“...development of commercial and industrial uses should incorporate design elements that reduce the negative visual impact on an area as well as integrate it with the surrounding area”*

And

*“Commercial areas over 25,000 square feet should use red or light brick, simulated brick, grey sandstone, native stone, cultured stone or wood on at least 30 percent of the main façade; use earth tones for facades instead of jarring colors; and break up monotonous building facades with interesting roof line and architectural details.”*

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. The applicant has submitted an elevation of the proposed building (see attached).

There is one important building in the surrounding area to use as guidance for the design of this building. Across Rt. 10, at the entrance to the Twelve Oaks subdivision, there is a dwelling in a historical district. Here is what the home looks like from Rt. 10:



Staff recommends that the new building incorporate the red brick of this historic home into the façade. The Comprehensive Plan recommended that at least 30% of the façade that faces the road be made up of this material.

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;”*

Even though the residents of this facility will, most likely, not be utilizing bicycles for recreation from this site, there will be employees that may want the option to commute to this site by a means other than an automobile. Therefore the staff recommends that a bike rack large enough to accommodate at least four (4) bicycles be added to the site plan near the employee entrance to the building.

## **II. 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.

1. The applicant has submitted a letter requesting a **waiver** from the requirement that a sidewalk be installed along the road frontage [pursuant to Section 205-60 A]. This section requires that sidewalks shall 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.

The Planning Staff recommends that this waiver be **denied**. The properties on either side of the subject site are fully developed residential subdivisions that did not build sidewalks along their road frontages. Consequently, there appears to be little redevelopment potential of those parcels that could facilitate the use of private funds to place sidewalks along the north side of Rt. 10 for this applicant to connect with. Therefore public funds would be needed to construct a safe and accessible path along this roadway. Even though DeIDOT is designing a path, known as the Capital City Trail, along the south side of Rt. 10 there may still be a need to have sidewalk facilities along the north side as well. In order to minimize the use of public funds to construct that infrastructure, it seems prudent to not waive the sidewalk requirement for this project so the State will be able to connect to this project's sidewalks when deemed to be necessary.

If the Planning Commission decides to approve this waiver request, the staff recommends that a condition be placed on this approval that requires the applicant provided a fee-in-lieu payment to DeIDOT to support sidewalk construction along other parts of Rt. 10 or across this site in the future.

### **III. 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 not generate more than fifty (50) peak hour trips. The applicant has indicated the peak hour trips will be 44 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 1% of the AADT on arterial roads. East Lebanon Rd. is considered a minor arterial road. DeIDOT states that the 2017 AADT for this section of East Lebanon Rd. is 26,100. Because the peak hour trips do not exceed one percent (1%) of the AADT (261), the area of influence does not extend beyond the site entrance.

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

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

- The Kent County Comprehensive Plan recommends that the subject property should be utilized for High Density Residential purposes. The property is zoned RM (Multi-Family Residential). This zoning district provides for nursing homes 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 RM zoning district requirements.
- The 7.34 ± acre subject site is currently vacant.
- The character of the surrounding area is both commercial and residential in nature. Along Route 10 in both directions and to the rear are residential uses. Across Rt. 10 from the subject site are an energy services business and a construction company.
- 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.
- There have been three (3) previous land use applications on the subject site, described as follows:
  - CZ-04-13 was approved by the Levy Court to rezone the subject site from RS1 (Single Family Residential) to BN (Neighborhood Business) and RM.

- S-05-02 was approved by the Planning Commission for a site plan on the subject site that included condominium and retail buildings. These improvements were never constructed.
- CZ-18-03 was approved by the Levy Court to rezone the BN portion of the site to RM.
- 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 64 trees around the site. They will also be planting screening along the side and rear lot lines, parking area plantings, and some canopy trees and smaller bushes along the front property line.
- A grading plan and utility 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. KENT COUNTY DEPARTMENT OF PUBLIC WORKS -**

#### **Requirements & Sources:**

1. Property is “legally” located in KCSDD1, Isaac’s Branch area.
2. It appears the proposal may be “technically” served by gravity means.
3. However, based on the more exact number of EDU’s, the preparation of a TFS may be warranted to confirm the adequacy of the existing system’s capacity.
4. Adherence to all applicable requirements of the Kent County Code, specifically Chapters 128 and 180.
5. Depiction of all SS easement, right-of-way and dedication areas.

#### **Comment:**

1. The Engineering Division grants “Conditional Approval”.

## **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. DeIDOT, Division of Highways
2. Kent Conservation District
3. Office of the State Fire Marshal
4. Office of Public Drinking Water
5. Kent County Department of Public Works

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  
Waiver Request dtd. 5/18/18  
Proposed building elevation  
Preliminary Site Plan and Landscape Plan