



Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT July 12, 2018

Application Number	:	S-18-04
Preliminary Plan Title	:	Felton Country Cupboard
Present Zoning District	:	BG (General Business)
Present Use	:	Convenience Store
Proposed Use	:	Same with Gas Pumps
Relation to Growth Zone	:	Outside
Area and Location	:	1.73 ± acres: Located on the south side of Willow Grove Rd. (DE Rt.10) at the intersection with Holly Spring Rd. (Co. Rd. 256), west of Viola

I. STAFF RECOMMENDATION:

The staff recommends **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 shall not commence and building permits shall not be issued until final plan approval is given. Furthermore, §187-41.C states that application for building permits must be made within 18 months of final approval. If no applications are received, the plan shall be considered invalid and a new application process will be required.

2. Revise the following note on the plan:

“A one-year full-price replacement guarantee on all new trees planted will be held by the applicant and an additional one-year guarantee on replacements plants. The applicant is expected to maintain plantings, including watering all plants any time from April to December when natural rainfall is less than one inch per week.”

B. Board of Adjustment History:

The subject site was approved for the following variances under application A-18-08 at the April 19, 2018 Board of Adjustment meeting. The proposed plan is compliant with the approved variances.

1. **§205-223B.(1)** a variance from the required front parking setback of 25ft. to allow for a front parking setback of 14ft. along Willow Grove Road
2. **§205-223B.(2)** a variance from the required drive-aisle setback of 15ft. to a side property line to allow for a drive-aisle setback of 5ft. from the southern property line.
3. **§205-174.C** a variance from the required 15ft. planning buffer along Willow Grove Road to allow for a 14ft. buffer along Willow Grove Road.
4. **§205-224.A.(2)** a variance from the required planting buffer of 10ft. for the off-street parking area along Willow Grove Road.

C. Recommendations:

1. Staff recommends that the following conditions of approval apply for the gas pumps:
 - a) All state and/or local licenses or permits for such use have been obtained, and the pumps are installed so as to meet the requirements of the Fire Prevention Code of the National Board of Fire Underwriters.
 - b) Tanks shall be equipped with a leak detection device that complies with Delaware Department of Natural Resources and Environmental Control Regulations.

II. WAIVER REQUESTS:

A. 187-60 (A) Sidewalk Requirement

The applicant is requesting a waiver request from the required sidewalk along the frontage of Willow Grove Road, which is classified as a major collector. The applicants have stated that sidewalks are not required by DelDOT given that the subject site is located in a Level 4 Investment area. Additionally, they have stated, there are no contiguous sidewalks in the surrounding rural area.

The Planning Staff has reviewed the request and recommends that the waiver be **granted**. The character of the surrounding is low-density, rural in nature and would currently not

benefit from a shared use path that connects the subject site to surrounding properties.

III. ADEQUATE PUBLIC FACILITIES ORDINANCE:

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 an increase of more than fifty (50) peak hour trips. The applicant has indicated that the project will generate an additional 42 peak hour trips (22 trips for the Willow Grove Road entrance, 20 trips for the Holly Spring Road entrance). This figure is less than 50 peak hour trips and would not require a Traffic Impact Study to be completed. The applicant is advised that should there be any additional development of the site, particularly in the designated open space area on the west portion of the site; a Traffic Impact Study will be required.

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 Willow Grove Road is 2,023 and the AADT for Holly Spring Road is 200. Willow Grove Road is classified as a major collector that calls for the AADT number to be multiplied by 5%. Doing so results in 101.5 trips. Holly Spring Road is classified as a local road that calls for the AADT number to be multiplied by 10%. Doing so results in 20 trips. The maximum number of peak hour trips generated by this use on Willow Grove Rd. is 22 trips and on Holly Spring Road is 20. Since these trip counts do not exceed the above calculated values for each entrance, the area of influence for this application does not extend beyond the site entrances. 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.

I. BACKGROUND INFORMATION:

- The subject site is zoned BG (General Business). The Comprehensive Plan recommends that this area be utilized for highway commercial uses.
- The character of the surrounding area is rural in nature, with a mixture of small commercial uses and low-density residential uses along Willow Grove Road.
- The property to the west is zoned AR and utilized for residential uses. The proposed plan includes an opaque, six foot fence along the shared property line in order to meet buffer requirements.
- The subject site is comprised of 1.73± acres and is currently improved with a convenience store. The applicant is proposing to add three gasoline pumps and additional parking facilities.
- The subject site was approved for the following variances by the Board of Adjustment:

- **A-83-12** reduced the required front setback of 50ft. along Holly Spring Road to 38ft.
- **A-18-12** approved a variance from the required front parking setback of 25ft. to allow for a front parking setback of 14ft. along Willow Grove Road; a variance from the required drive-aisle setback of 15ft. to a side property line to allow for a drive-aisle setback of 5ft. from the southern property line; a variance from the required 15ft. planning buffer along Willow Grove Road to allow for a 14ft. buffer along Willow Grove Road; a variance from the required planting buffer of 10ft. for the off-street parking area along Willow Grove Road.
- The applicant is required to plant trees at a rate of 1 tree per 3,000 square feet of site area for nonresidential development, totaling to 26 trees. The applicant has provided 26 trees in addition to parking area plantings.
- The applicant has provided a grading and drainage plan in addition to a demolition plan for the subject site.
- This application must comply with the standards of the Adequate Public Facility ordinance. The applicant has submitted a letter addressing each one of these sections (attached). The proposed project will be compliant with the Adequate Public Facilities Ordinance.
- The applicant is advised that should there be any additional development of the site, particularly in the designated open space area on the west portion of the site; a Traffic Impact Study and additional parking will be required.

II. AGENCY COMMENTS:

A. DEVELOPMENT ADVISORY COMMITTEE (DAC)

Kent County Department of Public Works, Engineering Division

Contact : Brian L. Hall

Requirement:

1. N/A

Comment:

2. 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.** Department of Natural Resources and Environmental Control

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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.

ENC: Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Plot Plan
Kent Conservation District Comments
APFO Compliance Form
Waiver Request Form
Preliminary Site Plan