



# 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 September 6, 2018

<b>Application Number</b>	:	SL-18-02
<b>Preliminary Plan Title</b>	:	Knollwood
<b>Present Zoning District</b>	:	AC (Agricultural Conservation)
<b>Present Use</b>	:	Agriculture
<b>Proposed Use</b>	:	Residential Development
<b>Proposed Number of Lots</b>	:	289 Single-Family Detached
<b>Relation to Growth Zone</b>	:	Inside
<b>Area and Location</b>	:	146.26 acres ± located on the northwest side of Irish Hill Road (Co. Rd. 31), at the northwest corner of the intersection of that road and Peach Tree Run (Co. Rd. 105), southwest of Magnolia

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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 Chapters 187 and 205 of the Kent County Code and all items in the final plan column of Appendix D of Chapter 187. This may include items that are not specifically outlined below. This plan needs to be recorded within 18 months of the date of preliminary approval.

2. Add the Kent County Planning Office file number SL-18-02 to the Title Block.
3. At least two coordinates for two boundary corners based on the DE State Plane Coordinate System 1983 must be shown on the plan.
4. The Data Column indicates that 7 monuments were found, but only 4 are labeled on the plan. Identify all 7 monuments on the plan.
5. Noting that the rear property line is opposite the shortest front, please clarify / label the Side and Rear BRLs for the following lots: 7, 9, 17, 18, 38, 43, 56, 62, 63, 73, 90, 100, 104, 110, 112, 115, 130, 131, 140, 149, 161, 162, 175, 176, 194, 214, 215, 237, 238, 245, 246, 253, 254, 264 and 274.
6. All utility / drainage easements must be shown. Noting that the typical side drainage easement is 5', confirm / label all atypical drainage easements for the following lots: 12, 13, 39, 42, 50, 51, 52, 53, 54, 55, 74, 79, 80, 85, 108, 109, 116, 117, 150, 151, 157, 158, 162, 164, 165, 179, 180, 183, 184, 192, 193, 195, 206, 207, 209, 210, 231, 232, 243, 244, 246, 247, 254, 258, 257, 264, 265, 266, 270, 271, 283 and 284.
7. Remove the BRLs from Sheet 6 (Easement Plan) for lots 18 through 20.
8. Provide details of the Pavilion located in the Active Open Space.
9. Provide the width of the walking path on the Walking Path Paving Section located on Sheet 10.
10. Add a note on the Landscape Plan that street trees will be planted within the boundary lines of individual lots and shall not be planted within the right-of-way.
11. Add the following General Note:  
All purchasers shall permit the developer or his assigns temporary trespass upon the purchaser's lot or lots to complete grading, landscaping or other work as required by the approved plans or necessity.
12. Show the distance from the eastern entrance of the subdivision to the intersection of Peachtree Run.
13. The creation of a trash district is required in accordance with the provisions of §187-53(H). The applicant shall contact the Kent County Department of Public Works for information on this process. (Phone 302-744-2430)
14. Revise General Note 21 to read as follows:  
A Homeowner's Association shall be established for, but not limited to, all future maintenance and repairs of all open space areas, areas of active

recreation, street trees, and the subdivision entrance signs. The developer shall be responsible until such time that a Homeowners' Association or Maintenance Corporation assumes responsibility.

15. In accordance with §187-70, a copy of all Homeowners' Association documents must be submitted for review by the Planning Department prior to consideration by the RPC for final approval, including the Articles of Incorporation for the Homeowners' Association, Bylaws, and Maintenance Obligations Declaration documents.
16. The multi-modal path shown on the plan is a requirement of DeIDOT and is acceptable to take the place of the §187-60(A) requirement for sidewalks along the roadway frontage. This path must be installed or bonded in conjunction with all other site improvements that are required. Show a cross-section of this multi-modal path on the plan. If DeIDOT waives the requirement for a multi-modal path, then sidewalks will be required as set forth in §187-60(A).
17. In accordance with §187-60(H), sidewalk design and installation must comply with federal requirements of the Americans with Disabilities Act (ADA) and shall incorporate barrier-free access ramping at points of intersection with street crossings and at other locations so as to accommodate barrier-free pedestrian movement and access to buildings, parking areas, and other site amenities. All sidewalks shall be designed as an "accessible route" and shall conform to ANSI 117.1-1998 standards for handicapped accessibility. Provide typical curb ramp detail on the plan.
18. Add the following notes regarding stormwater maintenance to the plan:  
  
Stormwater Maintenance District §187-90.4(D)(1-5):
  - Inclusion within the Stormwater Maintenance District shall be automatic as a condition for preliminary plan approval and shall be memorialized on the final and/or record plan.
  - Perpetual easements granting the District access for the inspection and maintenance of stormwater infrastructure shall be shown on the record plan. A separate recorded easement agreement in a form determined by Kent County shall also be required.
  - The District shall not assume responsibility for the stormwater facilities and infrastructure until the subdivision or land development, or phase thereof, is substantially complete and the Kent Conservation District has provided final approval of construction.
  - Fees shall not be assessed to property owners until the District assumes responsibility for maintenance. Once the District assumes responsibility, the units within the subdivision or land development, or phase thereof, shall be subject to annual billing.
19. Maintenance set aside areas must be provided for all stormwater management areas. Indicate the location of these areas on the plan.

20. Excavated material from the proposed stormwater pond may not be used off-site without prior approval of a Conditional Use for a Borrow Pit. Place a note to this effect on the plan.
21. Linkage stub streets shall be identified by signage which reads "Street Connection to Future Development". Please provide a detail of this sign and the proposed locations on the plan.
22. Interconnecting street stubs longer than 100 feet must be provided with a temporary turn-around area. Show these areas on the plan for Caudle Street, Glen Forest Road, Morning Glory Road, and Moss Rose Lane.
23. Indicate the location, proposed size and number of subdivision signs at the entrances. Note that one main subdivision entrance sign at 32 square feet or two 15 square foot signs are allowed for the main entrance. Only a single sign of 16 square feet is allowed for any secondary entrance.
24. All major subdivisions must have lighted entrances. Indicate the type of lighting for the subdivision entrances on the plan.
25. Active recreational improvements must be constructed in a proportion equal to or greater than the proportion of residential dwelling units completed. A construction schedule for the completion of the approved active recreational improvements will be required prior to final plan approval.
26. Revise General Note 20 to read as follows:  
All required landscape buffers shall be planted prior to issuance of 50% of the Certificates of Occupancy **by bonded phase**, and maintained by the applicant until all Certificates of Occupancy have been issued; provided, however, that no required landscape plantings should be conducted between May 15 and September 1. The landscape buffer area and any other landscape plan depicted on the record plan shall be maintained in perpetuity by the Homeowners' Association or Maintenance Corporation. These deed restrictions shall run with the land and may not be vacated by the Homeowners' Association or the Maintenance Corporation.
27. Label the 6-foot tall opaque barrier required between the proposed development and the lands of Satterfield to the west. Note that all plantings, if used for this barrier, must be at least 6 feet tall at the time of planting.
28. Add the following note to the Landscape Plan:  
Within one year of initial construction of all stormwater management facilities, wetland and landscape plantings shall be installed and permanent metallic signage shall be placed at the SWM detention area indicating "Water Quality Management Area – Do Not Mow". Show the detail and location of the signage on the final plan.

29. In order to fulfill the requirements of the Adequate Public Facilities Ordinance, add the water distribution system to the utility plan.
30. The final plan submitted for recordation shall include a block for the review stamp from a representative of the Department of Transportation.
31. The Homeowners' Association shall be responsible for maintenance, insurance, taxes, fees, and other burdens customary to the ownership of real property and all improvements and constructions thereon, including but not limited to all recreation amenities, walkways, landscaping, and sanitary sewer and other utilities not owned by Kent County. In accordance with Section 187-70(E) the developer shall place \$300 per lot or unit within the subdivision in an interest-bearing account. All principal and interest that accrues in this account shall be turned over to the Homeowners' Association as set forth below:
  - a. A deposit of \$300 shall be made to the escrow account with each initial real estate settlement and shall be verified prior to the issuance of building permits for construction of units beyond the initial 80% of the lots or units within the subdivision. The balance of the escrow account shall be reflected on the financial statement.
  - b. The developer must demonstrate that the funds have been placed in an independent escrow account separate from the operating fund of the developer.
  - c. The escrow funds shall not be withdrawn by the developer or any person acting on behalf of the developer.
  - d. At the time governance of the Homeowners' Association is transferred to the residents, the escrow collected to date plus any interest shall be transferred to the association.
  - e. The balance of the maintenance escrow collected after transfer of association governance to the residents shall be provided to the Homeowners' Association prior to final inspection of the subdivision and/or release of any County-held surety bonds or letter of credit.

**B. Recommendations:**

1. Kent County Code §187-56(C) states that subdivision and/or land development plans shall be designed in accordance with the design requirements and standards contained in this chapter, with the objective of achieving the most advantageous and efficient use of land resources and yielding high quality living environments. For this reason, Staff has the following recommendations:

- a. Staff recommends the addition of lighting near the amenities located in the Active Open Space. Developer should contact the Department of Public Works to create a Street Light District.
  - b. The applicant should consult with DNREC about the possibility of establishing habitat for aquatic and water dependent plants and animals in conjunction with the construction of the 8.3 acre pond. The pond should be stocked with appropriate species of fish.
  - c. The 20-foot wide internal pedestrian walkways shown on the plan should be clearly demarcated so that lot owners do not mistake these strips of land as private property. The Planning Staff recommends using split rail fencing to delineate the 20-foot wide walking paths. The landscape plan should show a detail of the split rail fencing, along with detail and cross-section of the surface of the internal walkways to be approved by the Planning Office prior to final approval of the subdivision.
  - d. It is recommended that the open spaces that are not utilized for active recreation be planted with a no maintenance perennial groundcover to reduce the mowing requirements for the future Homeowners' Association. The species of groundcover must be approved by the Planning Office prior to final approval of the subdivision.
  - e. Alternatively, if the above mentioned passive open spaces are planted with grass to be maintained by the Homeowners' Association, Staff recommends multiple access points be designed to allow landscaping workers and residents to make free use of these areas without the need to traverse private property at or near the following locations:
    - i. Between lots 22 & 23
    - ii. Between lots 49 & 50
    - iii. Between lots 101 & 102

These access points shall be a minimum of 10' in width in order to accommodate landscaping equipment.
2. To avoid conflict with individual lot owners or future improvements made by lot owners, Staff recommends that street trees shown on the Landscape Plan be planted prior to the issuance of a Certificate of Occupancy for the lots where street trees are proposed. A note should be added to the plan to this effect. In addition, label a 10' landscape easement for the planting of street trees.
  3. Based on scheduling proposed by DelDOT, the Planning Staff recommends the following phasing schedule be adopted for the issuance of building permits within the Knollwood Development as recommended by the Kent

County Comprehensive Plan. Staff invites a dialogue with the applicant to link specific lot numbers and/or phases to the road improvements.

- **For the first 75 building permits:** No off-site road improvements required.
- **To issue building permit 76:** The developer must provide documentation from DelDOT as proof to the Planning Office that they have completed the Phase 2 Peachtree improvements as noted in the Agency Comments shown on this report in Section IV, item F(3). The documentation from DelDOT must provide a phasing schedule for the completion of the remaining off-site improvements, specifically noted in this report in Section IV, items F(1), F(2), and F(4). Additional documentation from DelDOT shall be required based on the deadlines set forth by DelDOT as proof to the Planning Office that off-site improvements have been completed to DelDOT's satisfaction. Building permits and/or Certificates of Occupancy may be delayed if required improvements are not completed or if satisfactory documentation is not received.

## **II. WAIVER REQUEST:**

The applicant has submitted a waiver request from the requirement that linkage street stubs shall be provided at a ratio of at least one per 800 linear feet of subdivision boundary line. The Staff has reviewed this request and recommends **approval**. The current street layout for the proposed subdivision, including the three interconnection points along the northern and eastern property lines, has been designed to match the previously approved interconnection locations to the adjoining properties. The singular stub road provided to the adjoining undeveloped Satterfield property to the west is also in the same location as the previously approved plan. The remaining land in the northwest portion of the parcel is isolated by the presence of wetlands and does not lend itself to development or road construction.

## **III. BACKGROUND INFORMATION:**

- The applicant is requesting approval of a 289-single family lot development.
- The Comprehensive Plan calls for low density residential uses in this area. The proposed plan is in conformance with the Comprehensive Plan.
- The subject site is 146.26± acres and is currently vacant.
- The site is located on the north side of Irish Hill Road at the northwest corner of the intersection of that road and Peachtree Run, southwest of Magnolia.
- The character of the surrounding area is residential in nature. The proposed project is surrounded to the north and east by the residential subdivision of Woodfield. Across

Irish Hill Road to the south is the residential subdivision of Pinehurst Village and Pinehurst III. Agricultural lands abut the project to the west.

- There has been one previous land use application on the subject site. There was a 282-lot subdivision approved on this property originally known as Knollwood (SL-05-33). The original subdivision plan was revised in 2012 and expunged in February 2016.
- The site will be served by Kent County Sewer and Public Water (Tidewater Utilities) with fire protection.
- A landscape plan has been provided showing the proposed active open space improvements, the required buffers, and tree plantings. Based upon the area of this project, the applicant is required to plant 333 trees. The applicant is proposing to plant 493 trees around the community. The active improvements shown include a tot-lot, a multi-purpose game court, a pavilion, a gazebo, 4 benches, and walking paths.
- This proposal went through the PLUS process in 2012 (application PLUS 2012-04-06). Per David Edgell of the State Planning Office, no additional PLUS review is required.
- This application must comply with the standards of the Adequate Public Facilities Ordinance:
  - a. The project will be served with public water provided by Tidewater Utilities. The water supplier will be required to provide sufficient capacity to meet State Fire Prevention Regulations. Fire hydrants will be provided with the State Fire Prevention Regulations.
  - b. The applicant submitted a letter stating that they will comply with the School and EMS sections of the ordinance by paying the relevant fee at the time of building permits.
  - c. The fee required for the Caesar Rodney School District will be calculated at the final plan approval stage by multiplying the total student generation rate by the most recently established local school district share of total average cost per student for school construction as determined by DOE. A School Mitigation Agreement must be submitted prior to final plan approval and recorded along with this development.
  - d. The EMS fee will be based upon the projected number of annual dispatch calls for the proposed development multiplied by the per capita EMS costs based upon the most recent reporting year.
  - e. A Traffic Impact Study (T.I.S.) was completed in 2005 for the previously approved subdivision on this site. This revised configuration of the development will result in a net increase of 7 single family lots above the original design. The



corresponding increase in site average daily trips (ADT) is within the 5% variation allowed by DeIDOT. As such, DeIDOT and County Planning Staff agree that sufficient studies have been completed for the area and have waived the requirement for an additional T.I.S. A number of off-site roadway improvements were required based on the previous study, and must still be completed. (See the phasing schedule proposed by Planning Staff above.)

#### **IV. AGENCY COMMENTS:**

The following County and State agencies have reviewed the preliminary plan prepared by Morris & Ritchie Associates, Inc. dated July 2018 and have provided the following requirements, conditions and recommendations:

##### **A. KENT COUNTY DIVISION OF GIS / 911 ADDRESSING**

**Contact: Laura Minnich**

Identify more clearly where the roads start and stop using the annotation. (Specifically: Olivia Lane, Tiffany Lane, Jenna Lane, and Melinda Lane.)

##### **B. KENT COUNTY PUBLIC WORKS**

**Contact: Brian Hall**

###### **Requirement:**

1. Adherence to the requirement of the accepted TFS, the Levy Court approved Preliminary Report, and applicable sections of the Kent County Code, specifically Chapters 128 and 180 (including the applicable provisions of this Sewer Basin PWA and Aid-In-Construction Fee requirements).
2. Providing sanitary sewer (SS) service to all existing strip lots in accordance with Kent County Code, Chapter 187.
3. Depiction of all SS easement, right-of-way, and dedication areas (existing and proposed).
4. Section 187-53(H)(4) requires that trash districts be created in a major subdivision unless specifically not required by the Commission.
5. Section 187-53(H)(1) requires that street light districts be created for any subdivision with over 50 lots and a density of 2.5 units per acre or greater.

###### **Comment:**

1. The Engineering Division grants "Conditional Approval".

**C. DNREC DIVISION OF WATERSHED STEWARDSHIP**  
**Contact: John Martin**

See attached comments dated August 1, 2018.

**D. DELAWARE DEPARTMENT OF TRANSPORTATION**  
**Contact: Joshua J. Schwartz**

**Comments:**

1. DelDOT has previously reviewed this property.
2. Plans shall be submitted to DelDOT subdivisions for review. The entrances shall be designed in accordance with the DelDOT Development Coordination Manual. DelDOT encourages a pre-submittal meeting to discuss the project.

Based on correspondence dated July 28, 2017 from Joshua Schwartz, DelDOT is requiring the following off-site improvements:

1. The developer shall improve Irish Hill Road within the limits of the development frontage to 11-foot travel lanes and an 8-foot shoulder in each direction.
2. The developer shall install left turn lanes at the intersection of Irish Hill Road / Peachtree Run / Fox Chase Road in lieu of a roundabout.
3. The developer shall realign and improve Peachtree Run from the Irish Hill Road / Peachtree Run / Fox Chase Road intersection to a point near Jericho Road. The requirement of the Phase 2 Peachtree improvements from Chestnut Ridge onto the Knollwood development will be transferred to the developer, since he is the owner/developer of both projects. The Phase 2 Peachtree improvements must be built prior to the 75<sup>th</sup> building permit in Knollwood. The “new” section of Peachtree previously started by the developer of Woodfield shall be built concurrently with the Phase 2 Peachtree improvements which were formerly part of the Chestnut Ridge project.
4. Developer shall contribute \$6,528.00 to the Traffic Signal Revolving Fund for the future signal at the intersection of Irish Hill Road and Delaware Route 15.

**III. 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.** Kent County Department of Public Works
- E.** Kent County Division of GIS / 911 Addressing

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 Map  
Street Linkage Waiver Request dtd. 7/6/18  
TIS Waiver Letter dtd. 7/6/18  
TIS Waiver Emails from DelDOT (2)  
APFO Summary Letter dtd. 7/23/18  
DNREC Div. of Watershed Stewardship Comments dtd. 8/1/18  
Subdivision Plan