



Kent County

Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP
Director of Planning Services

KRISTOPHER S. CONNELLY, AICP
Assistant Director of Planning Services

STAFF RECOMMENDATION REPORT October 4, 2018

Application Number	:	CS-18-07
Preliminary Plan Title	:	Meyer & Meyer, Inc.
Present Zoning District	:	BG (General Business)
Present Use	:	Vacant
Proposed Use	:	Child Care Center
Relation to Growth Zone	:	Inside
Area and Location	:	1.2992± acres on northwest corner of North Dupont Hwy (US Rt. 13) and Rose Bowl Rd. (Co. Rd. 154), south of Cheswold

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. §205-274, Child care facility

- a) At least 50 square feet of outdoor play area per child shall be provided, and the outdoor area shall be fenced or otherwise enclosed on all sides at a minimum of four feet high, and shall be completely separate from the parking area and also be suitable for children's active play use.

- b) At least one parking space per adult attendant and one space per 10 children shall be provided in close proximity to the facility's entrance, and a circular or "t" drive shall be provided to permit safe ingress and egress from the site.
 - c) All requirements established by the State of Delaware Division of Child Protective Services under 31 Del.C. §342 must also be satisfied.
2. All requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.
 3. DelDOT has made comment that the ADT numbers listed on the plan are incorrect (see page 7 below). The applicant should be aware that if the traffic counts change to an extent that a traffic study would be required, then final approval of the plan could be delayed.
 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 floor plans submitted by the applicant show that the second story is listed as "Future Space". Due to the size of the property, there is a constraint to operating any other business on the property or expanding this use further because the site design allows no room for additional parking on the site. The outdoor entrance further establishes this as an area that could be used for business activity in the future. The staff recommends that the outdoor stairway to the second floor be removed and that the plan specifies that the second story is to be used for ancillary storage to the day care only.
2. The staff recommends a bus shelter be placed behind the proposed bus pad on the site. The 2018 Comprehensive Plan had the following recommendation from the Transportation chapter:

"Support healthy lifestyles, choices and opportunities, as well as reduce air, water and noise pollution by requiring facilities such as sidewalks, transit facilities, multi-use paths and bikeways as part of both transportation and land development projects."

The site plan is including sidewalks along the road frontages that connect with this bus pad. To further encourage the use of these non-vehicular systems, the applicant should follow the guidelines of §205-43.2 for installation. For an

example of what has been built in the area, see this structure that was installed at the WalMart north of this site:



The staff further recommends that the applicant install a structure similar in design at this site.

Additionally, even though the children will not be utilizing bicycles for recreation or transportation from this site, there will be adult 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 entrance to the building.

3. The staff recommends that the Commission consider the architectural design of the proposed signage. The 2018 Comprehensive Plan had the following recommendation for signs from the Community Design chapter:

“...to ensure signage is compatible with the area and remains unobtrusive while still conveying a message”

There has only been one non-residential project in the area that has been built from a vacant property (as opposed to a site revision or redevelopment). This was the Walmart located to the north of the subject site who has built a monument style sign at one of their entrances. Here is how that sign looks today:



The staff recommends that only one detached sign built on this site and that it be of this similar 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). Additionally, this sign should incorporate the same stone that is being recommended for the building façade shown in the building elevation submitted with this application. With this site being located on a corner lot, the applicant can place two attached signs to the building façade. The allowable attached signage renders a large detached sign unnecessary.

4. The staff recommends that the Commission consider the architectural design of the proposed structure. The 2018 Comprehensive Plan stated the following architectural guidelines for non-residential uses from the Community Design chapter:

“Proposed buildings on corner properties should reflect a public facade on both street frontages.”

and

“Large expanses of blank walls are to be avoided. The public facade 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.”

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.

Based on the elevations submitted by the applicant, the staff specifically wants to recommend that the building façade along Rt. 13 incorporate elements that

make the building look like a front façade as opposed to the back of the building. This could be done by providing features similar to the other façade of the building. One example that the staff recommends is matching the material on the roof of the dormers with the roof of the building entrance feature. Additionally the staff recommends that the colors of the proposed build are not monochromatic in nature. They should be of a complimentary color scheme between the stone foundation, siding, roof, and other building materials. Finally, the staff recommends that the roof design with the three dormer windows be mirrored on the opposite side of the building.

The final plan submittal should include the design of all 4 facades based on the Commission's 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 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 38 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. Rose Bowl Rd. is considered a local road. DelDOT states that the 2017 AADT for this section of Rose Bowl Rd. is 1163. Because the peak hour trips do not exceed ten percent (10%) of the AADT (116.3), the area of influence does not extend beyond the site entrance.

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

III. BACKGROUND INFORMATION:

- The subject site is zoned BG. The use of a child care center is allowed in the BG district with approval through the Conditional Use with Site Plan process. The Comprehensive Plan calls for highway commercial uses on this property. If approved, the proposed plan is in conformance with the Comprehensive Plan.
- The subject site is 1.292± acres and is currently unimproved.
- The character of the surrounding area is a mix of commercial/industrial and residential use with the residential mainly occurring to the west along Rose Bowl Rd. To the north and south along Rt. 13 are commercial businesses. To the east across Rt. 13 are mix of small homes on industrial zoned lots and a few homes in the RS1 (Single Family Residential) district. There are also some commercially zoned lots that either have a home or are vacant.
- The applicant requested two variances for this site plan application. A-18-15 was approved in June of 2018 to reduce the front setback from Rt. 13 to 50' and the rear setback from the north to 20'
- Commercial buildings were previously approved three times on this parcel but were never constructed. S-88-16 approved a motel in 1990. S-09-01 approved a commercial building in 2009 and S-14-04 approved a retail building in 2014.
- The applicant met with the Staff to discuss conditions for approval of this use. The use requires a site plan as part of the review process. A plan has been submitted that meets all the minimum standards of the county code.
- The plan represents a 10,187 sq. ft. child care center with an associated parking area and 8,277 sq. ft. fenced playground area. The plan indicates that the center will be able to handle up to 163 children. The applicant will be utilizing an underground facility to handle the stormwater on the site.
- A grading plan, landscape plan, and lighting plan have been submitted showing the proposed changes to the site.

- On the landscape plan, the applicant is required to plant 12 trees. They are proposing to plant 21 trees that are in addition to the normal parking island landscaping, the front landscape parking lot buffer, and the six foot high opaque barrier along the western property line.

IV. **AGENCY COMMENTS:**

A. **KENT COUNTY- Department of Public Works, Engineering Division** Contact Brian Hall –

Comment: **SEWER REQUIREMENTS**

1. A sewer utility plan review is required for the proposed project by our department. Applicant is responsible for all review, inspection, permitting and impact fees.
2. Depiction of all SS easement, right-of-way and dedication areas.
3. Adherence to Kent County's Bulk Utility Standards, Chapter 187, as applicable.

SEWER COMMENTS

1. The project is located in the Kent County Sewage Disposal District 1 – Dykes Branch Area and sewer service is available.
2. Our records show a 20 feet wide permanent easement along the Route 13 frontage for the existing sewer main.
3. Based on the plumbing fixture plan provided with the application the sewer impact fees are estimated at approximately \$47,000.

B. **DELAWARE DEPARTMENT OF TRANSPORTATION:** Contact Joshua J. Schwartz -

Comment:

1. Access shall only be permitted from lower functional classification road (Rose Bowl Road).
2. Plans shall be submitted to DeIDOT subdivisions for review. The entrances shall be designed in accordance with the DeIDOT Development Coordination Manual.
3. For a Daycare, the traffic ADT shall be generated based on the number of students, not the daycare staff. Update traffic diagram accordingly.

V. **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(Sewer)
- E.** Office of Public Drinking Water

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 – Location Map
Exhibit B – Plot Plan
Front of Building Elevation
Architectural Floor Plan
APFO Compliance Form
Preliminary Site Plan