

# Kent County



## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT October 4, 2018

<b>Application Number</b>	:	CS-18-08
<b>Site Plan Title</b>	:	A Paw Above Kennels
<b>Present Zoning District</b>	:	AR (Agricultural Residential)
<b>Relation to Growth Zone</b>	:	Outside
<b>Present Use</b>	:	Vacant Wooded
<b>Proposed Use</b>	:	Commercial Kennel & Residential
<b>Proposed Building Size</b>	:	2,720 sq. ft.
<b>Number of Parking Spaces</b>	:	Required: 17 Proposed: 20
<b>Area and Location</b>	:	6.27 ± acres located on the south side of Willow Grove Rd. (DE Rt. 10), approx. 325 ft. west of Farm Ln. (Co. Rd. 235), southwest of Camden
<b>Kent County Property Identification Number</b>	:	NM-00-110.00-01-02.10-00001

#### **I. STAFF RECOMMENDATION:**

The staff recommends **CONDITIONAL APPROVAL** based on the information submitted as the application demonstrates compliance with Kent County Code.

#### **A. Code Requirements:**

1. Add the distance from the closest point of the kennel compound to the front and rear parcel lines.
2. Add the stormwater infrastructure to the site plan after it is approved by Kent Conservation District.

3. In accordance with §205-24(E), Kent County Code does not allow fences to exceed 7' in height. Revise the site plan to indicate a 7' high chain link fence inside a 7' high stockade fence.
4. All requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.
5. A final plan must be approved within 18 months of preliminary plan approval and construction must commence within 18 months of final plan approval.

**B. Recommendations:**

1. Staff recommends that the applicant submit a waste management plan showing that all animal waste will be disposed of properly. A commercial container and pick-up may be required if more waste is produced than normal residential service could handle.
2. Staff recommends that prior to final approval of the site plan, the applicant provide proof that all kennel licenses have been obtained at the state level (DHSS Office of Animal Welfare).
3. Unless required by DNREC to be shown on the plan, omit the following from General Note 8: *Anticipated flows for the total are – GPM*. If this detail is required by DNREC, please complete the note prior to final plan approval.
4. Prior to final plan approval, all outside agency requirements must be met.
5. The Levy Court may add any necessary conditions to protect the health, safety, and welfare of the citizens of Kent County.

**II. WAIVER REQUEST**

The applicants have submitted a waiver request from Section 187-60 (A&B) requiring sidewalks along the frontage of Willow Grove Road 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 there are no sites that currently have sidewalk along Willow Grove Road, including both residential and commercial uses. They added that the type of business proposed does not typically generate foot traffic from an offsite location, eliminating the need for sidewalk along the access drive.

Planning Staff has reviewed the request and recommends that the waiver be **granted**. The character of the surrounding area is low-density, rural in nature, and is currently not conducive to a contiguous pedestrian network.

### **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 DelDOT's Rules and Regulations for Subdivision Streets as amended;
- b. The proposal is projected to generate 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 16 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 of the local roads. Willow Grove Road is considered a Major Collector. DelDOT states that the 2017 AADT for this section of Willow Grove Road is 4,846. Because the peak hour trips do not exceed 10% of the AADT (484.6), 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 Low Density Residential purposes. The property is zoned AR (Agricultural Residential). This zoning district provides for Commercial Kennels as conditional uses for approval by the Levy Court through the Conditional Use / Site Plan process. If

approved, this plan will comply with the 2018 Comprehensive Plan and the AR Zoning District requirements.

- The 6.27 ± acre subject site is currently wooded and has never been developed. A wetlands delineation was completed in July 2018 by Environmental Consulting Services, Inc. The applicant is proposing to improve the parcel with a 2,720 sq. ft. one-story commercial kennel and a 1,680 sq. ft. one-story modular home. 5.01 ± acres will be preserved as woodlands. The site area of the proposed kennel is 0.48 ± acres and includes a stone parking area with a total of 20 parking spaces. The applicant proposes to landscape the kennel site area with 16 trees and 70 shrubs, which is in excess of the minimum Code requirements. The site plan proposes 8' high chain link fencing inside 8' high stockade fencing along four sections of the building. Pursuant to §205-24(E), Kent County Code does not allow fences taller than 7' in height. The Applicant may apply for a variance with the Board of Adjustment prior to final plan approval, or reduce the height of both fences to 7'. The plan shows at least 2 entrances to the kennel; a main entrance from the parking area and a side entrance adjacent to the loading zone.
- The character of the surrounding area is predominantly residential and agricultural in nature. The majority of surrounding acreage is wooded, much of which is also considered wetlands. The parcel adjacent to the subject site on the northeast side along Route 10 is split-zoned AR (Agricultural Residential) and BG (General Business). In addition, there are two corner parcels fronting both Route 10 and Farm Lane that are commercially zoned.
- There have been no other Conditional Use applications on this parcel. An application (Z-89-26) for rezoning the property from AR (Agricultural Residential) to IG (General Industrial) was denied in 1989. The denial was based on non-compliance with the Comprehensive Plan.
- The plan indicates that the parcel will utilize an on-site septic system and well.
- The Engineer met with a member 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. The conditions for approval of a Commercial Kennel are as follows:
  - (1) All kennels and runs are located at least 100' from any adjoining property line.
  - (2) There will be twenty-four hour security with a caretaker on duty at all times.
  - (3) Any exterior lighting will be focused away from all adjacent properties.
  - (4) Off-street parking is provided in accordance with requirements for retail and service uses in Article XVII, Parking.
  - (5) All requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.

**V. AGENCY COMMENTS:**

**A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIV.**

**Contact:** Andrew Riggi, P.E., Assistant Director

**Sewer Requirements:**

1. None

**Sewer Comments:**

1. Kent County sewer service is not available at this location; therefore the Department has no objection to the proposed onsite septic system.

**B. DELAWARE DEPARTMENT OF TRANSPORTATION**

**Contact:** Joshua J. Schwartz

**Comment:**

1. Plans shall be submitted to DelDOT subdivisions for review. The entrances shall be designed in accordance with the DelDOT Development Coordination Manual.

**VI. 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. DelDOT, Division of Highways
2. Kent Conservation District
3. Office of the State Fire Marshal
4. DNREC Approved Site Evaluation

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 – Plot Plan (cropped)  
Preliminary Site Plan and Landscape Plan