

Kent County



Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT October 4, 2018

Application Number	:	CS-18-09
Site Plan Title	:	South Frederica Park & Ride / Sports Medicine Facility
Present Zoning District	:	AC (Agricultural Conservation)
Present Use	:	Vacant
Proposed Use	:	Park & Ride / Sports Medicine Facility
Area and Location	:	5.069 ± acres on the east side of Bay Road (DE Rt. 1) surrounded by South Frederica interchange improvements, southeast of Frederica
Kent County Property Identification Number	:	MD-00-141.00-01-32.01-000

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. Add the Kent County Planning Services file number CS-18-09 to the title block of the site plan.
2. Add a note and/or lighting specifications that lighting will be full cut-off design.
3. Add a note referencing the Board of Adjustment application that approved the 60% maximum impervious surface coverage.

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. Due to the 2018 Comprehensive Plan identifying this as a new area for commercial development in Kent County and this being one of the first projects proposed, the staff recommends that the Commission give considerable attention to the architectural design of the proposed structure. Due to the configuration of this property, architectural features should be included on all four sides of the building. The newly adopted 2018 Comprehensive Plan states the following guidelines for non-residential uses from the Community Design chapter:

“The corridor elevation of a building should contain architectural elements traditionally associated with the front of a building. Blank walls without functioning windows should be avoided along the corridor and windows should be incorporated into the overall design concept of the corridor elevation. In addition, the corridor elevation should contain primary entrance doors and a primary entrance feature such as a porch, awning, entrance walk, or similar feature.”

“Architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like should be used to create shadow lines.”

Due to its proximity, the architectural features and styles from main building at the Sports Complex may be appropriate to use in establishing a cohesive and harmonious architectural style in this new commercial area of Kent County.



Staff recommends that the new building incorporate the blue roof accent, white columns, different roof lines and the split façade on the walls but avoid the bare gray exterior block seen on the upper half of the structure.

2. Additionally, the Commission should consider the architectural design of the proposed signage and the staff recommends that any detached sign built be of the monument style to be setback from the front property line in accordance with the code. The top of the sign should not be taller than 10 ft. above grade and have a maximum size of 100 sq. ft. Detached signage may only be located along Bay Road and Milford Neck Road and should incorporate the design features that are cohesive with the proposed building façade.
3. Given the association between this property and the Sports Complex, staff recommends a complete pedestrian sidewalk connection along the access road to the sidewalk within the Sports Complex facility. (See below)

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 **approved** in favor of making the sidewalk connection within the Sports Complex facility as referenced in the recommendations above. There is a complete sidewalk network within the proposed facility and DelDOT has installed the sidewalk within the right-of-way between this property and the Sports Complex. Staff recommends completing this overall sidewalk network along the access road to benefit users of this facility and improve pedestrian safety at a busy facility.

This is an excerpt from the staff report for the Sports Complex project regarding pedestrian access: *“While we agree that putting a sidewalk along the frontages of the property is not necessary, providing adequate pedestrian connections to complimentary uses on other properties is very important. The applicant should consult with DelDOT regarding the installation of sidewalks connecting from the Sports Complex to adjacent areas and locations across Route 1 which could supply other commercial needs for the area.”*

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 the project qualifies for a waiver and DelDOT confirmed by issuing a letter dated September 24, 2018 which acknowledges that this project qualifies for a TIS waiver in accordance with Section 187-90.2, Item F(3)(d)[2] of the Kent County Code as follows:

- (d) **Traffic impact study waiver.** If a traffic impact study was completed for a proposed change in zoning of the subject parcel or if, in the opinion of the Department of Planning Services and DelDOT, sufficient prior traffic impact studies of the area of influence have previously been conducted, the requirement for a new traffic study and the further evaluation of the level of service may be waived, provided the Department of Planning Services finds that:

- [2] The proposed project is within a transportation improvement district or similarly defined area as designated by mutual agreement between Kent County and DelDOT, as identified by DelDOT, and trip generation numbers provided for the proposed subdivision or land development, as approved by DelDOT, do

not change the projected traffic volumes upon which roadway improvements designed by or approved by DeIDOT for the district or area have been based by more than 5%. The applicant shall contribute to transportation improvement costs within the district or area based upon a formula to be developed by DeIDOT.

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 Highway Commercial purposes. The property is zoned AC (Agricultural Conservation). This zoning district provides for a Sports Medicine Facility as a conditional use for approval by the Levy Court through the Conditional Use / Site Plan process. The Park & Ride facility would be considered a permitted government public service under section 205-32. If approved, this plan will comply with the 2018 Comprehensive Plan and the AC zoning district requirements.
- The 5.07 ± acre subject site is currently an excavated borrow pit which must be properly filled in prior to construction of the proposed uses.
- The character of the surrounding area is agricultural, commercial and residential in nature along this section of Bay Road.
- The 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 no previous land use applications on the subject site but the Sports Complex project was approved across Milford Neck Road on the parent parcel to this one.
- 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 74 trees around the site. They will also be planting screening along the arterial roadway as well as plantings within the parking areas.
- A grading plan and utility plan was provided showing the proposed improvements to the site, the finished floor elevation and that the stormwater management conveys to an off-site pond within the S. Frederica interchange improvements.
- The engineer for the project has been encouraged to contact all other applicable agencies including DeIDOT, Kent Conservation District and Kent County Public Works for their input and comments on this project.
- 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 – Andy Riggi, P.E.

Requirements & Sources:

1. A sewer utility plan review and approval is required for the proposed project by our department. Applicant is responsible for all review, inspection, permitting and impact fees.
2. Adherence to Kent County's Bulk Utility Standards, Chapter 187, as applicable.

Comment:

1. The property is currently receiving Kent County sewer service through a Contract User Agreement with The Kent County Regional Sports Complex. A revision to the Contract User Agreement must to be approved and executed to establish the additional sewer billing flows for the proposed building. The User Agreement needs to be executed prior to building occupancy.

B. DELAWARE DEPARTMENT OF TRANSPORTATION – Joshua Schwartz

Comments:

1. Park & Ride access will be from the existing South Frederica Interchange project.
2. Record Plans shall be submitted to DelDOT subdivisions for review.

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. DelDOT, Division of Highways
2. Stormwater/Drainage Approval from State of Delaware
3. Office of the State Fire Marshal
4. DNREC – Public Well Approval
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
DelDOT TIS Waiver Letter dtd. 9/24/18
Preliminary Site Plan and Landscape Plan