



Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT September 18, 2018

Ordinance	:	LC18-12
Application	:	CZ-18-06 Bryan Crothers
Applicant / Owner	:	Bryan C. Crothers & Salina M. Chevarria 11361 Willow Grove Rd. Camden, DE 19934
Present Comprehensive Plan Designation	:	Industrial
Proposed Comprehensive Plan Designation	:	Low-density Residential
Present Zoning District	:	IL (Limited Industrial)
Proposed Zoning District	:	AC (Agricultural Conservation)
Relation to Growth Zone	:	Inside
Area and Location	:	2.24 +/- acres northwest of Willow Grove Rd (DE Rt. 10) between Boss Brown Ln. and Paynters Way, south of and adjacent to the Town of Camden
Kent County Property Identification Numbers	:	NM-00-093.00-02-42.00-000

I. **STAFF RECOMMENDATION:**

Based on the information presented, the Kent County Code, and the Comprehensive Plan, staff recommends **approval** of the request to amend the Zoning Map and Comprehensive Plan Future Land Use Map. The following are the findings of fact for staff's recommendation of **approval**:

- The property is currently zoned IL within the Growth Zone, with adjoining parcels surrounding the subject property north of Willow Grove Road being incorporated into the Town of Camden. The area south of Willow Grove Road across from the subject property is zoned RS1 in the Growth Zone. The areas to the north and west of the Town of Camden are zoned AC not in the Growth Zone. With the exception of the residential developments east of the Rail Road tracks the lands surrounding the subject property are in agricultural production.
- The Kent County Comprehensive Plan currently shows the subject property as “Industrial” however there is no other industrial designation in the vicinity of the property.
- The applicant is proposing that the property be re-zoned to more adequately reflect its current usage which is residential with the potential for a home based business.
- The Delaware Department of Transportation has noted that Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day, or 50 vehicle trip ends per hour in any hour of the day. If the County approves this rezoning it is not anticipated that the proposed land use would meet those warrants and DelDOT is not recommending that the applicant be required to perform a TIS for the subject application.
- The proposed re-zoning does meet the conditions for approval of a zoning change under Section 205-408 B of Kent County Code:

A. There was a mistake in the Zoning Map, or the character of the neighborhood has changed to such an extent that the Zoning Map should be changed.

There was a mistake in the Zoning Map. There is no evidence that there was ever any industrial utilization of the subject property. Early aerial maps of the site show that it was largely wooded and agricultural until approximately 20 years ago. There was a single family residence added in the mid 1930’s and by 1992 a pole barn had been constructed towards the rear of the property. Subsequent aerial overlays show no sign of industrial utilization or manufacturing, however it is possible that the IL (Limited Industrial) designation was assigned to cover one of the allowable “nonmanufacturing uses” such as “Agriculture” or “Artisans and craft work”. There is no historic or current evidence of heavy vehicular traffic that would be associated with any other allowable use.

Changing the zoning from IL (Limited Industrial) to AC (Agricultural Conservation) would be more consistent with both the current utilization of the subject property and the current utilization of the surrounding adjacent parcels.

- B. *The new zoning classification conforms to the Comprehensive Plan for Kent County in relation to land use, number of dwelling units or type and intensity of nonresidential buildings and location.*

The proposed AC zoning district does not conform to the recently adopted 2018 Comprehensive plan which proposes “Industrial” for the subject property, however it is consistent with the zoning for the surrounding properties which are either RS1 or AC and identified as Low or Medium Density Residential.

- C. *Transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.*

The proposed re-zoning to AC (Agricultural Conservation) would not adversely impact transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities currently in place. Rather it would more accurately reflect the current utilization of the site as a single family residential property serviced by on site sewer and water.

If the ownership or use of the property were to change, any new project would need to be reviewed by the Kent Conservation District for storm water impact and by the State Fire Marshall for fire suppression service.

- D. *There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.*

There would be compatibility between the uses of the property as reclassified and the surrounding land uses that would promote the health, safety, and welfare of present and future residents of the county. There are other agricultural properties to the south, west and north of the subject site, and the proposed rezoning would be consistent with the agricultural nature of the surrounding neighborhood. Single family dwellings in the area and residential developments to the immediate east of the site would not be adversely affected.

II. BACKGROUND INFORMATION:

- The 2.2± acre site currently has a single family residence with a 2,520 sq. ft. accessory pole barn. The property owner is currently proposing that the property be rezoned from IL (Limited Industrial) to AC (Agricultural Conservation) to more accurately reflect current property utilization and to allow for the possible establishment of a home based business.
- The subject site is located adjacent to other agricultural lands and is within the Growth-Zone Overlay District.
- The character of the surrounding area is entirely residential and agricultural in nature. There are active farm fields located to the south, west and north. To the east, east of the railroad

track, there is residential development extending from Willow Grove Road to Upper King Road. To the southwest there are single family dwellings along Boss Brown Lane.

- There have been several previous rezoning applications in the surrounding area:
 - Z-88-39 (7-00-10300-01-0100-00001 38.7 Acres requested one (1) acre be rezoned from RS1 to AC. Denied 2/28/1989)
 - Z-79-36 (7-00-10200-02-2501-00001 3.3 Acres rezoned from RS1 to AC. Approved 11/27/1979)
 - Z-05-02 (7-00-10200-02-2503-00001 1.41 Acres rezoned from RS1 to RMH. Approved 11/22/2005)
 - Z-86-59 (7-00-10200-02-2502-00001 1.41 Acres rezoned from RS1 to RMH. Modified approval to AC rather than requested RMH. Approved 12/23/1986)
- The application was not required to go through the **PLUS** process. There is a letter attached from the State Planning Offices concurring that the determination that the proposed rezoning for the subject property did not require PLUS review.

III. AGENCY COMMENTS:

A. Reviewing Agency: Delaware Department of Transportation

Contact: T. William Brockenbrough, Jr.

1. DelDOT recommended that the applicant not be required to perform a TIS for the subject application.

B. Reviewing Agency: Kent County Department of Public Works

Contact: Andrew Riggi, P.E.

SEWER REQUIREMENTS

1. None

SEWER COMMENTS

2. Kent County sewer service is not available at this location.

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 – Zoning and Location Map

Exhibit B -Comprehensive Plan Map

Exhibit C - Plot Plan

Plus Process with responses August 15, 2018

Support facilities request response from DelDOT dated September 4, 2018

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