

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 5, 2019

Application Number : CS-15-06 Rev.

Site Plan Title : Lakeland Mini Storage (Millstone)

Zoning Districts : BN (Neighborhood Business) 11.38± Acres
BG (General Business) 9.08± Acres

Relation to Growth Zone : Inside

Present Use : Mobile Home Park, Professional Offices, and Mini-Warehouses

Proposed Use : Same with Additional Office Buildings and Mini-Warehouses

Proposed Buildings : 4 Office Buildings (5,100 SF each)
2 Mini-Warehouse Buildings (16,800 SF each)

Number of Parking Spaces : 121 Required / 121 Proposed

Area and Location : 20.46± acre parcel (Area of Redevelopment = 6.14± acres)
located on the east side of South State Street and the south side of
Beechwood Avenue, with proposed development along both
sides of Lakeland Avenue, south of Dover

**Kent County Property
Identification Number** : ED-00-086.00-01-19.01-000

I. STAFF RECOMMENDATION:

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

A. **Code Requirements:**

1. The Engineer has stated that the Traffic Generation Diagrams shown on the plan are incorrect. Replace the Traffic Generation Diagrams shown on the plan with the attached diagrams.

2. The Data Column indicates that 54 trees are required and 69 trees are proposed. However, a review of the proposed Landscape Plan only shows 63 proposed trees outside of the required buffer, parking island and foundation plantings. Revise the Data Column to indicate 63 proposed trees, rather than 69.
3. Label the following on the Landscape Plan:
 - 3 symbols (possibly corresponding to Green Lustre Holly) located in the foundation planting area along the eastern front of Building C
 - 3 symbols (possibly corresponding to Green Lustre Holly) located in the foundation planting area along the eastern front of Building D
4. Revise General Note 1 to read as follows: *On April 21, 2019, the Kent County Board of Adjustment approved application A-19-12, a request for relief from the provision stating 6' wide planting strips must separate all double parking rows, with a condition that the 6' strip (or 486 square feet) of planting be relocated elsewhere on the site.*

Further, the landscaped areas located around the northern parking lot reference "Additional Landscape Area" and "Variance A-19-12", and include square footage totals that do not match those areas when scaled. The plan should be revised to reflect accurate square footage totals of those areas. (See item 4 below.)

5. Revise the Landscape Plan as follows:
 - Pursuant to §205-224(B)(2)(c) and §205-224(C)(2), the planting islands at the following locations require at least 2 deciduous shade trees and **at least 10 evergreens** that will reach 3' in height at maturity:
 - The western end of the double-row parking located west of Building C only shows 7 evergreens.
 - The western end of the double-row parking located south of Building E only shows 7 evergreens.
 - Pursuant to §205-224(B)(1)(a) and §205-224(C)(1), the interior planting islands at the following locations require **1 deciduous shade tree** with underplanting:
 - The 4 interior planting islands located every 10 parking spaces along the front of Buildings C and D show Eastern Redbud trees, which are small deciduous trees, not deciduous shade trees.
 - Pursuant to §205-224(B)(1)(b) and §205-224(C)(3), the interior planting islands at the end of each parking area with 10 spaces require **at least 1 deciduous shade tree and at least 5 evergreens** that will reach 3' in height at maturity.
 - The interior planting islands located on either side of the entrance from Lakeland Avenue into the northern parking lot only show 4 evergreens and 1

Eastern Redbud in each area. As stated above, Eastern Redbud trees are small deciduous trees, not deciduous shade trees.

- The proposed landscaping for the remaining 6 corners of the northern parking lot meet the requirements of this section. However, please note that those 6 deciduous shade trees and 30 evergreens cannot be counted towards the “additional landscaping” as required by Variance A-19-12, nor can those 6 deciduous shade trees be counted towards the tree planting requirement outlined in §187-74.
6. On Sheets PL-3 and PL-5, label the delineated area along the northern side of existing Building A, which includes a portion of a loading space and street lighting.
 7. Submit a Grading Plan for review prior to final plan approval.
 7. The conditions of approval for Mini-Warehouses are as follows:
 - (1) The project shall meet all conditions regarding setbacks, screening, landscaping, lighting or other similar requirements as the Department of Planning Services, Division of Planning, shall deem necessary for the protection of neighboring or adjacent property.
 - (2) Mini-warehouse developments shall be limited to dead storage use only and no activity other than storage shall be permitted within a storage unit.
 - (3) All storage on the property shall be within a completely enclosed building.
 - (4) No activities, such as miscellaneous or garage sales, shall be conducted on the premises by any individual or group which leases storage space at the facility.
 - (5) The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
 - (6) A mini-warehouse shall not be operated as part of a transfer and storage business where use of vehicles by the operator is part of such business.
 - (7) The operator shall keep the premises free of trash and debris at all times.
 - (8) Security fencing and screening or security walls shall be required around the perimeter of the project, said fence or wall to be not less than seven feet in height and constructed of finished masonry or durable metal protected from corrosion.
 - (9) All lights shall be shielded to direct light onto the uses established and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft.
 - (10) All signs shall be in compliance with provisions of Article XVIII, Signs.
 - (11) All driveways, parking, loading, and vehicle circulation areas shall be paved with concrete, asphalt, or asphaltic concrete.

- (12) All operation and use of the facility shall be in accordance with all applicable codes and regulations.
 - (13) The operator and/or owner shall be responsible for controlling access to the site and to individual storage units.
 - (14) The operator / owner is charged with the duty of requiring and determining that no material is stored in violation of federal, state, or local health, safety (including fire) or environmental regulations, and the storage of hazardous or unlawful material is specifically prohibited.
 - (15) Storage of materials rated no higher than "2" by the American Fire Protection Associations as to health hazard, flammability and susceptibility to release of energy shall be deemed to be prima facie evidence of compliance with the requirements of Subsection A(14) above.
 - (16) Off-street parking shall be provided in the following ratio:
 - (a) One space for each employee; and
 - (b) One space for every 25 storage units, with adequate provision for transfer of goods from parking areas to storage areas.
 - (17) All requirements, regulations, and recommendations submitted by any Agency member of the Development Advisory Committee shall be satisfied.
 - (18) The reviewing body may impose any other appropriate or more stringent conditions it deems necessary to protect the health, safety, and welfare of the neighborhood.
8. 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. Additional Conditions of Approval:

1. The agreement between the property owner and DeIDOT recorded with the Kent County Recorder of Deeds on November 9, 2016 in Plot Book 8353, Page 80, requires said agreement to be referenced as a note on the plan.
2. The above referenced agreement between the property owner and DeIDOT limits the square footage to be utilized specifically for medical office use to 12,500 square feet. Based on the Trip Generation Diagram below (and attached), the applicant proposes 10,000 square feet of medical office space in addition to the existing 2,500 square feet, for a maximum of 12,500 square feet of medical office space. In the event that it is questionable whether a proposed office use qualifies as medical, DeIDOT will make the determination. This condition must be referenced as a note on the plan.

SITE TRIPS GENERATED – REMOVED

<u>TYPE OF DEV.</u>	<u>ITE CODE</u>	<u>UNITS</u>	<u>AM</u>	<u>PM</u>	<u>WKDY ADT</u>
MOBILE HOME PARK	240	-69	-37	-42	-448

SITE TRIPS GENERATED – EXISTING

<u>TYPE OF DEV.</u>	<u>ITE CODE</u>	<u>SQ. FT./ UNITS</u>	<u>AM</u>	<u>PM</u>	<u>WKDY ADT</u>
MINI-WAREHOUSE	151	363	4	3	70
GENERAL OFFICE	710	22,150	47	27	246
MEDICAL OFFICE	720	2,500	8	10	87
			59	40	403

SITE TRIPS GENERATED – FUTURE

<u>TYPE OF DEV.</u>	<u>ITE CODE</u>	<u>SQ. FT./ UNITS</u>	<u>AM</u>	<u>PM</u>	<u>WKDY ADT</u>
MINI-WAREHOUSE	151	824	13	14	154
GENERAL OFFICE	710	32,550	57	39	357
MEDICAL OFFICE	720	12,500	35	44	435
			105	97	946

SITE TRIPS GENERATED – NET INCREASE

<u>TYPE OF DEV.</u>	<u>ITE CODE</u>	<u>SQ. FT./ UNITS</u>	<u>AM</u>	<u>PM</u>	<u>WKDY ADT</u>
MOBILE HOME PARK	240	-69	-37	-42	-448
MINI-WAREHOUSE	151	461	9	11	84
GENERAL OFFICE	710	10,400	10	12	111
MEDICAL OFFICE	720	10,000	27	34	348
			9	15	95

NOTES:

- TRIP GENERATION IS BASED ON ITE TRIP GENERATION MANUAL 10TH EDITION.
- DESIGN VEHICLE: SU-30.
- PER DELDOT LETTER AGREEMENT, SITE IS APPROVED FOR UP TO 1,465 ADT.

3. Pursuant to the above referenced agreement between the property owner and DelDOT, the owner must satisfy one of the following prior to final plan approval:
 - a) Complete a Traffic Impact Study (TIS) through DelDOT, or
 - b) Pay an Area Wide Study Fee in accordance with the proposed trips from the development.

C. Recommendations:

1. Pursuant to §205-226, warehouse and goods storage areas measuring 33,600 square feet require a minimum of two loading spaces. Although the conditions for Mini Warehouses do not specifically require loading spaces, the parking condition in §205-316(16)(b) states that parking should allow adequate provision for transfer of goods from parking areas to storage units. Further, §205-222(C) states that off-street loading spaces shall be provided in close proximity to the principal or accessory use served, and the distance from a loading space to the closest point of the building entry or loading area shall be no more than 50'. Neither of the proposed loading spaces is located within 50' of an entrance to the mini-warehouse buildings. Staff recommends that the warehouse loading spaces be relocated no more than 50' from the entrances to Buildings C and D, outside of the Fire Lane and not adjacent to a crosswalk.

2. The applicant is proposing to relocate 16 parking spaces which were originally approved as parking for warehouse Buildings A and B. The parking and loading spaces shown on this proposed plan will serve 4 office buildings and 4 mini-warehouse buildings (2 existing, 2 proposed). To compensate for the loss of parking within close proximity to Buildings A and B, a handicap accessible parking space is located to the west of Building C and is accessible to Building A via a crosswalk. However, the proposed loading space for Building C is located adjacent to the crosswalk which could make the crosswalk potentially hazardous and may interfere with handicap accessibility to Building A. Staff recommends curbing and handicap accessible sidewalk from the handicap accessible parking space and crosswalk located west of Building C to the nearest entrances of existing Buildings A and B.
3. The 6.14 ± acre site area was previously used as a mobile home park. As part of the overall plan to redevelop this site in phases, the mobile homes located along both sides of Lakeland Avenue have been removed. This site plan proposes to place a parking lot consisting of 40 parking spaces along the rear yards of the remaining mobile homes located on the south side of Cathy Avenue, measuring 8' from the edge of the parking lot to the closest mobile home. Given the close proximity to the existing mobile home park located on this parcel, Staff recommends that the northern parking lot be buffered from the rear yards of the remaining mobile homes in accordance with §205-224(A)(3), which requires that off-street parking abutting a residential district or property be planted with a continuous visual screen at least 6' in height, consisting of a compact evergreen hedge or foliage planting with 1 deciduous shade or ornamental tree planted every 30 linear feet. A combination of planting **and** an opaque fence, wall or berm will satisfy the requirements of this section.
4. The character of the surrounding area is residential in nature. The subject parcel still contains some mobile homes as part of Lakeland Mobile Home Park, which also abuts the eastern side of the subject site. There is additional RMH (Residential Manufactured Housing) zoning to the north, east, and west of the site, as well as RS1 (Single Family Residential) zoning to the north, south, east and west. Given the residential nature of the surrounding area, Staff recommends that at least two bike racks be added to the site and located in the landscaped areas between the office buildings, near the handicapped parking spaces and street light.
5. On June 25, 2019, Kent County Levy Court adopted Ordinance LC19-07 Excellent Recharge Areas, which states the following:

Redevelopment resulting in more than 20% impervious cover and resulting in an increase in impervious surface within the Excellent Recharge Area shall meet the following requirements:

 - a. *Treated according to Best Management Practices; and*
 - b. *Directed to recharge BMPs utilizing infiltration or surface water recharge, not to include extended detention, and designed per the most recently enacted Delaware Sediment and Stormwater Regulations.*

OR

- c. *The project is LEED certified (Leadership in Energy and Environmental Design) in the sustainable sites category.*

OR

- d. *The applicant demonstrates through an environmental assessment report prepared by a registered professional Geologist or registered professional Engineer familiar with the hydro-geologic characteristics of Kent County using a climatic water budget that the post-development recharge quantity will meet or exceed the pre-development recharge quantity. The environmental assessment report shall be submitted to DNREC for review and comment prior to plan approval.*

Since the applicant had a pre-application meeting with a Planner prior to the adoption of this Ordinance, this specific proposal for redevelopment is technically exempt from these standards. However, Staff recommends that the applicant still be required to use Best Management Practices (BMPs) as outlined in the Ordinance to minimize the impact on and reduce the risk of contamination to excellent groundwater recharge areas which are the source for public drinking water in Kent County.

6. Prior to final plan approval, all outside agency requirements must be met.
7. The Levy Court may add any necessary conditions to protect the health, safety, and welfare of the citizens of Kent County.

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 generate a net increase of 9 AM trips and 15 PM trips. Since the proposal is not generating an increase of fifty (50) peak hour trips, it would not require a Traffic Impact Study to be completed specifically to satisfy this Ordinance.

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 1% of the AADT on arterial roads. South State Street is classified as a minor arterial road. DelDOT states that the 2018 AADT for this section of South State Street is 17,856. Because the peak hour trips do not exceed one percent (1%) of the AADT for South State Street, the area of influence does not extend beyond the site entrance. (Lakeland Avenue is an internal private road, which does not have a DelDOT functional classification.)

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

III. BACKGROUND INFORMATION:

1. The proposed site area is approximately 6.14± acres of the total 20.46± acre parcel. The property is split-zoned BG (General Business) and BN (Neighborhood Business). The 6.14± acre area of disturbance is within the BN zoning district and the 2018 Kent County Comprehensive Plan recommends the area to be utilized for Neighborhood Commercial purposes. This zoning district provides for Professional Offices as permitted uses and Mini-Warehouses 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 BN zoning district requirements.
2. 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.
3. The Engineer has stated that the number of storage units proposed for Buildings C and D are unknown. They are basing their site plan design on a maximum of 325 storage units, although the number of actual units may be less than 325.
4. There have been 3 previous Conditional Use and Site Plan applications on this parcel, relevant to this proposal:
 - S-89-17 approved a Site Plan in 1989 for 27,075 square feet of Mini-Warehouses contained in 5 buildings on 2.0688± acres
 - C-94-03 approved a Conditional Use in 1994 for 26,576 square feet of Mini-Warehouses contained in 5 buildings on 1.6068± acres
 - CS-15-06 approved a Conditional Use with Site Plan in 2015 for 51,200 square feet of Mini-Warehouses contained in 2 buildings on 1.91± acres

5. There have been 5 rezoning applications on this parcel, relevant to this proposal:
 - Z-89-11 approved the rezoning of 2.06± acres from BN to BG in 1989
 - Z-93-28 approved the rezoning of 1.9411± acres from RMH and BN to BG in 1993
 - Z-01-27 approved the rezoning of 3.269± acres from BN and RS1 to BG in 2001
 - CZ-10-02 approved the rezoning of 14.52± acres from RMH to BN in 2010
 - CZ-14-04 approved the rezoning of 2.61± acres from BN, RMH and AC to BG in 2014

6. There have been 2 variance applications on this parcel, relevant to this proposal:
 - In 2002, A-02-24 granted modified approval of variances from the requirement that all driveways, parking, loading and vehicle circulation areas for mini storage be paved; from the required front lot line or street right-of-way setback of 60'; from the required 6' wide planted median strip between rows of parking and the 60' front setback from a private road.

 - In 2019, A-19-12 granted conditional approval of a variance for relief from the provision stating 6' wide planting strips must separate all double parking rows. This approval was conditioned by a requirement that the area of planting from the 6' strip be relocated elsewhere on the site. A-19-12 also denied a request for relief from the provision requiring planting islands every 10 parking spaces.

IV. AGENCY COMMENTS:

A. **KENT COUNTY DEPARTMENT OF PUBLIC WORKS**

Contact: Brian Hall, Engineering Project Manager II

Requirements & Sources:

1. Property is "legally" located in KCSDD1, Isaac's Branch Area.
2. Property is currently "technically" being served by existing KC SS systems (w/associated easements).
3. Proposal must proceed in accordance with all applicable requirements of the KC Code, specifically Chapters 128 (Fees) and 180 (Standards).

Comment:

1. The Engineering Division grants "Conditional Approval".

B. **DELAWARE DEPARTMENT OF TRANSPORTATION**

Contact: Joshua J. Schwartz

Comments:

1. Lakeland / Millstone also has an agreement with DelDOT regarding the site and traffic impacts to be allowed without entrance improvements, road improvements or right-of-way dedication.

The County has required a TIS per the agreement, DelDOT's Area Wide Study fee would satisfy this requirement per DelDOT's regulations. Normal plan submittals

required to DeIDOT for development, which in this case would be to prove that the proposed development is in accordance with the agreement from DeIDOT from 2016.

V. 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. DeIDOT, Division of Highways
2. Kent Conservation District
3. Office of the State Fire Marshal
4. Kent County Department of Public Works
5. Office of Public Drinking Water

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
Recorded Agreement Between Lakeland Commercial Group, Inc. and DeIDOT
Revised Traffic Generation Diagrams
Preliminary Conditional Use Site Plan and Landscape Plan