



# Kent County

## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT September 5, 2019

**Application Number** : CS-19-03

**Site Plan Title** : Hillandale Farms

**Zoning District** : AR (Agricultural Residential)

**Relation to Growth Zone** : Outside

**Present Use** : Agricultural – Egg Distribution

**Proposed Use** : Wholesale Trade with Facilities for Storage & Transport of Farm Products

**Area & Location** : 66.40± acres (17.33± acres = Conditional Use Site Area) on the north side of Fords Corner Rd. (Co. Rd. 98) approx. 980 ft. east of Everetts Corner Rd. (Co. Rd. 48), northwest of Hartly.

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

The staff recommends **APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in §205-364 Wholesale trade establishments with facilities for storage and transport of farm products.

The conditions of approval for Wholesale trade establishments with facilities for storage and transport of farm products are as follows:

- a. All structures are located at least 50 feet from any side or rear lot line.
- b. Off-street parking is provided in accordance with the requirements for retail and service uses in Article XVII, Parking.

- c. All requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.

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.

**A. Code Requirements:**

1. In the Data Column, please include the number of permanent monuments found and placed (locate and describe on plan). If none, please state this.
2. In the Data Column, eliminate the gravel area inclusion from the overall impervious coverage percentage and also add a line for the impervious coverage calculated based on the conditional use site area (17.33± acres) without the gravel area.
3. The plan appears to indicate there will be truck traffic to the site. Please identify these areas on the plan, including all truck parking and truck loading locations, so they are clearly indicated and to show the truck traffic will not conflict with non-truck traffic to the site.
4. The final plan must meet all landscaping requirements for parking areas, as specified in §205-224.B.(1)(a) of the Kent County Code. Specifically, this includes:
  - a. Each off-street parking area with 10 or more spaces shall contain interior planting areas or islands. These planting islands must be of at least eight feet by 18 feet for each 10 spaces or fraction thereof to meet interior planting area requirements for single row parking.
5. 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.
6. This plan must gain final approval within 18 months of the date of preliminary approval. Construction may not commence until final approval is given.

**II. ADEQUATE PUBLIC FACILITIES ORDINANCE:**

This application must comply with the standards of the Adequate Public Facilities Ordinance, but only the roads section will apply to a non-residential site plan.

The proposal is for a nonresidential land development and the applicant/owner has indicated that the project will not generate more than fifty (50) peak hour trips. The applicant has indicated that there will be 20 peak hour trips. This figure is less than 50 peak hour trips and would not require a Traffic Impact Study to be completed.

To ascertain whether the area of influence of this project extends beyond the site entrance(s) of the property, the following calculations were made: The AADT (Annual Average Daily Traffic) for Fords Corner Rd. (Co. Rd. 98) is 584 trips. Fords Corner Rd. is classified as a local road that calls for the AADT number to be multiplied by 10%. Doing so results in 58 trips. The maximum number of peak hour trips generated by this use is 20 trips. Since this trip count does not exceed the above calculated value, the area of influence for this application does not extend beyond the site entrance. No traffic impact study is required and levels of service are not examined for this application.

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

### **III. BACKGROUND INFORMATION:**

- The Kent County Comprehensive Plan recommends that the subject property be utilized for agricultural purposes. The property is zoned AR (Agricultural Residential). The Code provides for wholesale trade establishments with facilities for storage and transport of farm products a conditional use upon approval by the Levy Court through the Conditional Use/Site Plan process in all zoning districts. If approved, this plan will comply with the Kent County Comprehensive Plan (2018) and the AR zoning district requirements.
- The conditional use site plan area is 17.33± acres and has been used as egg distribution facility. The applicant/owner proposes to build a 9,600 sq. ft. storage building with loading spaces in the southwestern portion of the site plan area.
- The subject area will be accessed by an existing 24 ft. gravel access road from Fords Corner Rd. (Co. Rd. 98).
- The character of this area is agricultural in nature with limited residential development. Large farms and wooded areas are dominate the surrounding area.
- The applicant 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, along with any necessary agency approvals.
- There have not been any previous land use applications on the subject site. Likewise, there have been no other requests in the surrounding area similar to this request.

- The Levy Court may add any necessary conditions to protect the health, safety, and welfare of the citizens of Kent County.

#### **IV. AGENCY COMMENTS:**

##### **A. KENT COUNTY – Department of Public Works, Division of Engineering – Contact: Brian L. Hall, Engineering Project Manager II**

**Comment:**

The Engineering Division grants “Approval with No Objection to Recordation.”

##### **B. DELAWARE DEPARTMENT OF TRANSPORTATION (DelDOT) –**

**Contact: Joshua J. Schwartz**

**Comment:**

The developer and engineer should schedule a meeting with DelDOT to begin the plan review process.

#### **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. DelDOT, Division of Highways
2. Kent Conservation District
3. Office of the State Fire Marshal

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