

Kent County



Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT September 5, 2019

Application Number	:	CS-19-05
Site Plan Title	:	Redeemed Christian Church of God Father's House Assembly
Present Zoning District	:	RS1 (Single Family Residential)
Present Use	:	Residential
Proposed Use	:	Church
Property Identification Number	:	ED-00-086.09-01-76.00-00001

This project was previously submitted in 2017 as part of application CS-17-10. The Levy Court gave preliminary approval of that project on 11/29/17. That project expired due to not receiving final approval within 18 months. The new application is identical to the original submittal.

I. STAFF RECOMMENDATION:

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

A. Code Requirements:

§205-275 Churches and Ancillary Uses

Conditions of this use shall be as follows:

1. The principal access shall be by means of a major street or state road.
2. The use shall be located on a lot of not less than one acre, with a lot frontage of not less than 200 feet.
3. Off-street parking is provided in accordance with the provisions of Article XVII, Parking, for churches and for any ancillary uses such as parsonage.
4. 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.

The staff offers additional requirements and recommendations, as follows:

1. The current building on site is a residential dwelling. The structure will need to be converted to a commercial classification. Please contact the Division of Inspections and Enforcement to discuss the actions that will need to be taken to upgrade this structure as part of the renovation.
2. A final plan must be approved with 18 months of preliminary plan approval and construction must commence within 18 months of final plan approval.

A. Recommendations:

1. The existing home currently uses a private on-site well, but the change of use may require the well to be re-classified to a public water supply. A public drinking water supply is accessible to this property. To avoid greater impact to the aquifer and the surrounding properties, the staff recommends this project connect to the Central Water service through the City of Dover (see their comments below from the previous application below). A letter of approval from that agency must be provided for final approval. If the property is not required to connect to central water and the classification of on-site well changes to public water supply based upon a change in use to a church, the Office of Drinking Water must approve of the existing well reclassification prior to final approval.
2. Due to the residential nature of the surrounding area, the staff recommends that the use be limited to one detached sign and be of the monument style to be setback at least 5 ft. from the front property line. The top of the sign should not be taller than 6 ft. above grade and have a maximum size of 32 sq. ft.

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 not generate more than fifty (50) peak hour trips. The applicant has indicated the Sunday ADT is 91 trips and the peak hour to 33 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 AADT on local roads.

Highview Ave. is considered a local road. DelDOT states that the 2018 AADT for this road is 1,223. Because the peak hour trips do not exceed ten percent (10%) of the AADT (122.3), the area of influence does not extend beyond the site entrance.

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

III. BACKGROUND INFORMATION:

- The Kent County Comprehensive Plan recommends that the subject property should be utilized for medium density residential purposes. The property is zoned RS1 (Single Family Residential). This zoning district provides for a church as a conditional use 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 RS1 zoning district requirements.
- The 2.00± acre subject site is currently improved with a 2,371 sq. ft. home in which the proposed church will be located after adding an addition for a total size of 3,283 sq. ft. There is also a shed and tennis court on the property which will be removed. The current driveway will also be removed and a new commercial entrance will be moved to the east to accommodate the proposed parking area.
- The character of the surrounding area is mostly residential with some commercial uses located along South State St. To the west of the subject site is a dentist office located in the BN zoning district and a legal non-conforming church. There is also a residential dwelling to the west. To the south and east are single family residential dwellings. To north are both single family dwellings and duplexes built in the Wolf Creek development. At the entrance to Wolf Creek, about 500 ft. north of the subject site, there are several office buildings.

- 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.
- The subject site abuts residentially zoned properties to the north and east. They will be maintaining some existing vegetation as a buffer and will be supplanting additional trees in other locations to form a full buffer from the residential neighbors.
- A general layout of the proposed landscaping is provided for the site. The off-street parking lot design includes planted islands, foundation plantings around the building, and other site plantings that meet or exceed the minimum code requirements.
- The plan intends to remove the existing tree line along S. State St. due to site grading but will be replanting a variety of trees and shrubs to meet the requirements of the arterial road buffer section of the land development chapter.
- A grading plan was submitted showing the proposed site changes to accommodate the use. The site will be graded to run water to a stormwater facility at the rear of the parking lot.
- 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 COUNT DEPARTMENT OF PUBLIC WORKS, Engineering Division –

Requirement & Source:

1. Property is “legally” located in KCSDD1, Isaac’s Branch Area.
2. Property is currently “technically” being served by the KC SS systems, via gravity means.
3. Depiction of all SS easement, right-of-way and dedication areas.
4. 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 –

The developer and engineer has met with DelDOT to begin the plan review process. DelDOT is working with the developer and engineer concerning the review.

C. CITY OF DOVER, Department of Public Works – submitted 10/13/17

CITY AND STATE CODE REQUIREMENTS

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
 - b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
 - c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect

all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. The final site plan must be submitted in the following compatible digital formats:
 - a. AutoCAD 2004 (.dwg format).
 - b. Adobe Reader (.pdf format).

ADVISORY COMMENTS TO THE APPLICANT

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans may be required to be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.
3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Impact Fees will apply to this project.

GENERAL

1. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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. DeIDOT, Division of Highways
2. Kent Conservation District
3. Office of the State Fire Marshal
4. Office of Public Drinking Water / City of Dover Department of Public Works
5. Kent County 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
Letter addressing APFO dtd. 7/9/19
Preliminary Site Plan