

Kent County

Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP
Director of Planning Services

Phone: 302/744-2471
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KRISTOPHER S. CONNELLY, AICP
Assistant Director of Planning Services

STAFF RECOMMENDATION REPORT May 6, 2021

Application / Ordinance	: LC-21-09 / Z-21-01
Applicant / Owner	: Adiris M. Corder-Torres 15 Fairwind Pl Dover, DE 19901
Present Zoning / Comp Plan Map Designation	: RS1 (Single Family Residential) : Medium Density Residential
Proposed Zoning / Comp Plan Map Designation	: RMH (Residential Manufactured Home) & : Medium Density Residential
Relation to Growth Zone	: Inside
Area and Location	: 0.75 ± acre located on the west side of N. Main St. (Co. Rd. 65), approximately 145 ft. north of Duck Creek Pkwy. (Co. Rd. 134), west of Smyrna

I. STAFF RECOMMENDATION:

Based on the information presented, the Kent County Code, and the 2018 Comprehensive Plan, Staff recommends **APPROVAL** of the request to amend the Zoning Map and Comprehensive Plan Future Land Use Map.

- The proposed rezoning meets all of the conditions of approval for reclassification under Section 205-408 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 no mistake in the Zoning Map. The nature of the area has not changed over time and remains a medium-density residential area. The proposed zoning district change from RS1 to RMH will not change the recommended land use classification that was adopted in the 2018 Comprehensive Plan. The main

difference between the RMH and RS1 zoning districts is that RMH will provide for the placement of a manufactured home as a permitted use. The adjacent southern parcel is improved with a manufactured home.

- 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.*

Should this request be approved, the proposed RMH zoning would conform to the existing Comprehensive Plan designation of medium-density residential. The existing area is used as medium density residential purposes as supported by the Comprehensive Plan. The proposed change would not require an amendment to the 2018 Comprehensive Plan.

- 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 subject parcel is within the Growth Zone Overlay Districts. Transportation facilities, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed residential use are in existence. Should the re-zoning be approved, all agency and utility regulations required to obtain a building permit must be met. Agencies include Kent County permitting, DelDOT, DNREC, and Kent Conservation District.

- 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.*

If the property is successfully rezoned, there will be compatibility between the uses of the property as reclassified and the surrounding land uses that would promote the health, safety, and welfare of the present and future residents of the County. The change of the zoning should not have a negative impact on neighboring properties as they are also zoned residentially. The adjacent parcel to the south is currently improved with a manufactured home.

II. BACKGROUND INFORMATION:

- The applicant is requesting an amendment to the Zoning Map to revise 0.75 ± acres from RS1 to RMH. The existing medium density residential would remain the same if the rezoning is approved.
- The property is currently vacant and unimproved.
- The subject site is located inside of the Growth Zone Overlay District.
- The Department of Transportation has indicated that a Traffic Impact Study will not be required with the proposed rezoning.
- There have been no rezoning applications in the immediate vicinity of the subject site.

- There have been no previous applications for rezoning on the subject site.

III. AGENCY COMMENTS:

A. DeIDOT – Contact Joshua Schwartz

Comments:

1. No comment to the rezoning.
2. At such time the property develops, the property shall dedicate right-of-way to the functional classification of the roadway.
3. A 15' permanent easement is required beyond the above right-of-way requirements.

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: Ordinance LC21-09
Data Sheet
Exhibit A –Location and Zoning Map
Exhibit B - Comprehensive Plan Map
Exhibit C – Wetlands Area
Support Facilities Report dtd. 3/24/21

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INTRODUCED BY: Eric Buckson
DATE INTRODUCED: April 13, 2021
PUBLIC HEARING DATE:
PUBLIC HEARING TIME:
ADOPTION DATE:
EFFECTIVE DATE:

ORDINANCE LC-21-09

An Ordinance to amend the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended.

WHEREAS, on the 19th of March, 2021, an application was filed by property owner of record known as Adiris M. Corder-Torres, for rezoning of Tax Parcel; DC-00-009.00-01-06.00/000; which application has been designated as Application No. Z-21-01 and,

WHEREAS, a Public Hearing will be scheduled before the Regional Planning Commission; and

WHEREAS, a Business Meeting will be scheduled before the Regional Planning Commission; and

WHEREAS, a Public Hearing will be scheduled before the Levy Court.

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That the Official Zoning Map of Kent County, Delaware is hereby amended by rezoning Tax Parcel; DC-00-009.00-01-06.00/000; from RS1 (Single Family Residential) & Medium Density Residential to RMH (Residential Manufactured Home) & Medium Density Residential. The referenced Tax Parcel form the area of 0.75 Acres +/- of land located on the west side of N. Main St. (Co. Rd. 65), approximately 145 ft. north of Duck Creek Pkwy. (Co. Rd. 134), west of Smyrna.

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Section 2. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

ADOPTED BY THE LEVY COURT
OF KENT COUNTY, DELAWARE

President, Kent County Levy Court

ATTEST: _____
Clerk of the Peace

Synopsis: This ordinance revises the Official Zoning Map for Tax Parcel; DC-00-009.00-01-06.00/000 for Residential Use.

Kent County



Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP
Director of Planning Services
KRISTOPHER S. CONNELLY, AICP
Assistant Director of Planning Services

Phone: 302/744-2471
FAX: 302/736-2128

DATA SHEET FOR ZONING MAP AMENDMENT

Regional Planning Commission Public Hearing of: **Thursday, May 6, 2021**

Regional Planning Commission Business Meeting of: **Thursday, May 13, 2021**

Levy Court Public Hearing of: **Tuesday, May 25, 2021**

Ordinance # / Application # and Name	:	LC-21-09 / Z-21-01 Corder-Torres, Adiris
Applicant / Owner	:	Adiris M. Corder-Torres 15 Fairwind Pl Dover, DE 19901
Present Zoning / Comp Plan Map Designation	:	RS1 (Single Family Residential)/ Medium Density Residential
Proposed Zoning / Comp Plan Map Designation	:	RMH (Residential Manufactured Home)/Medium Density Residential
Relation to Growth Zone	:	Inside
Levy Court District	:	1 st – Masten
School District	:	Smyrna
Fire District	:	Smyrna
Area and Location	:	0.75 ± acre located on the west side of N. Main St. (Co. Rd. 65), approximately 145 ft. north of Duck Creek Pkwy. (Co. Rd. 134), west of Smyrna.
Kent County Property Identification Number	:	DC-00-009.00-01-06.00-00001



Kent County Levy Court

LOCATION AND ZONING MAP Exhibit A

Application: Z-21-01
Corder-Torres

APPLICANT/OWNER:

Adiris M. Corder-Torres

**PRESENT COMPREHENSIVE PLAN
MAP DESIGNATION:**

Medium Density Residential

**PROPOSED COMPREHENSIVE
PLAN MAP DESIGNATION:**

Medium Density Residential

PRESENT ZONING DISTRICT:

RS1 (Single-Family Residential)

PROPOSED ZONING DISTRICT:

RMH (Residential Manufactured Home)

PRESENT USE:

Vacant

LEVY COURT DISTRICT:

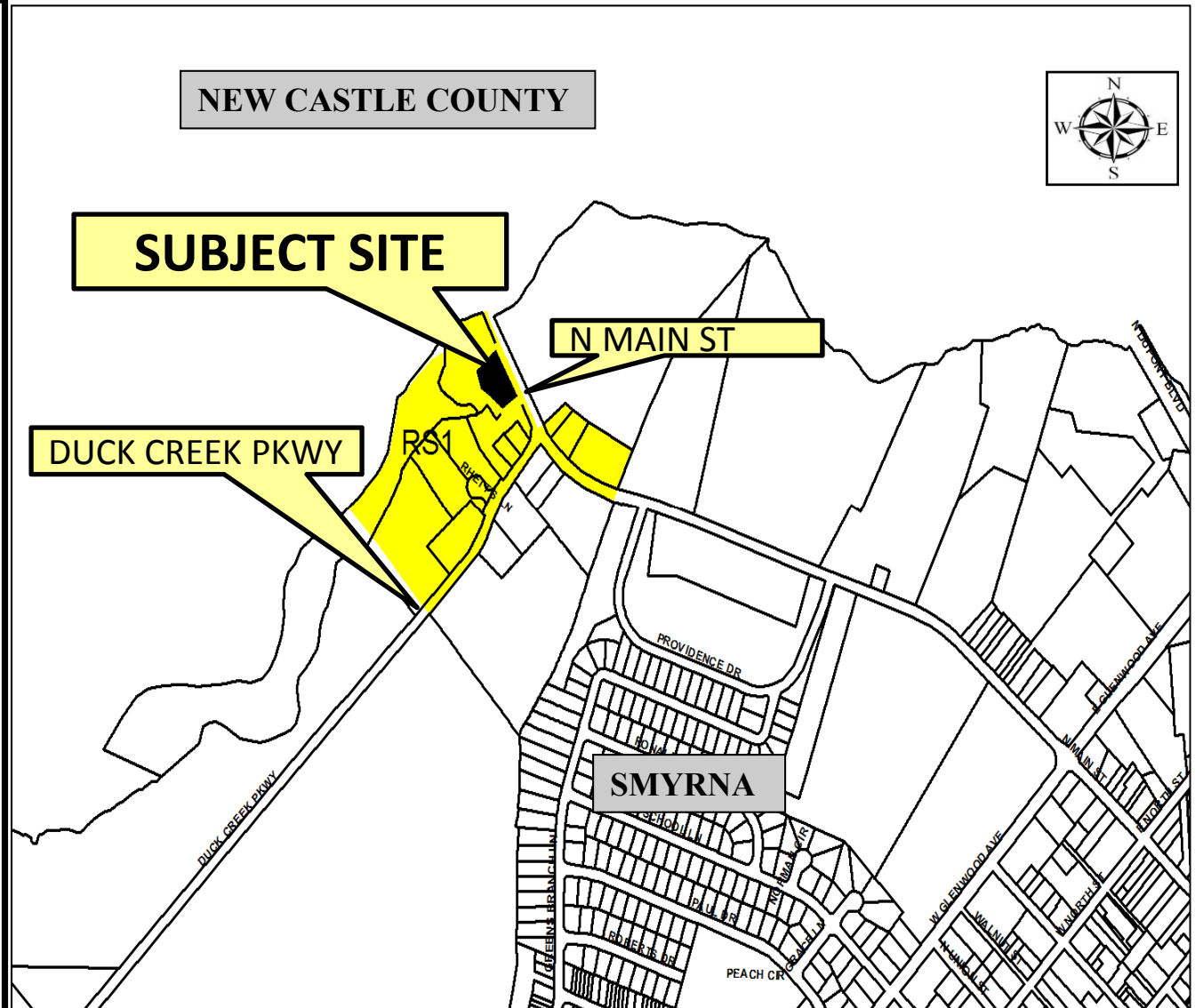
1st - Masten

TAX MAP NO:

DC-00-009.00-01-06.00-000

LOCATION:

0.75 ± acre located on the west side of N. Main St. (SHR 65), approx. 145 ft. north of Duck Creek Pkwy. (SHR 134), west of Smyrna





Kent County Levy Court

COMPREHENSIVE PLAN Exhibit B

Application: Z-21-01
Corder-Torres

APPLICANT/OWNER:

Adiris M. Corder-Torres

**PRESENT COMPREHENSIVE PLAN
MAP DESIGNATION:**

Medium Density Residential

**PROPOSED COMPREHENSIVE
PLAN MAP DESIGNATION:**

Medium Density Residential

PRESENT ZONING DISTRICT:

RS1 (Single-Family Residential)

PROPOSED ZONING DISTRICT:

RMH (Residential Manufactured Home)

PRESENT USE:

Vacant

LEVY COURT DISTRICT:

1st - Masten

TAX MAP NO:

DC-00-009.00-01-06.00-000

LOCATION:

0.75 ± acre located on the west side of N. Main St. (SHR 65), approx. 145 ft. north of Duck Creek Pkwy. (SHR 134), west of Smyrna

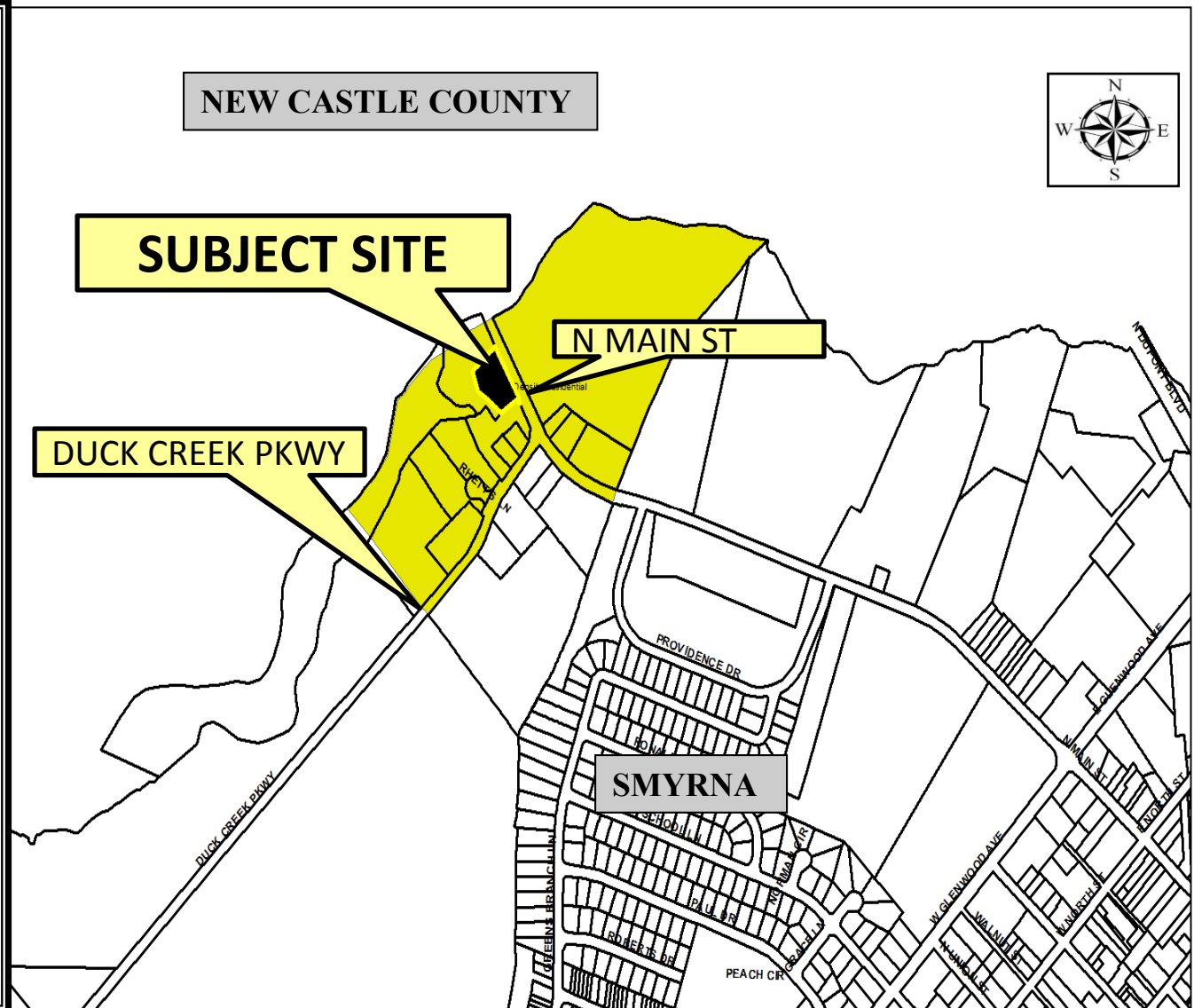
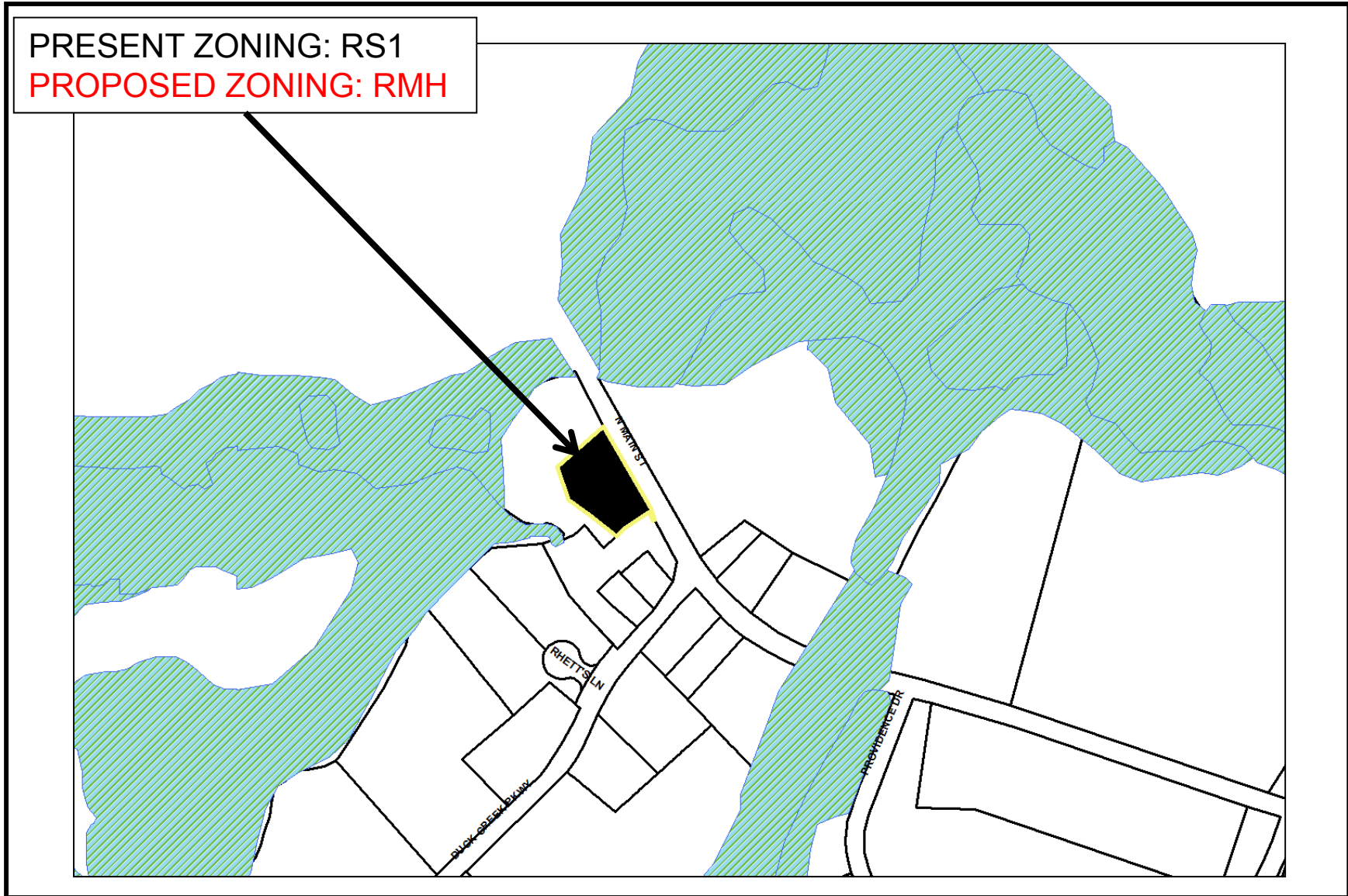


Exhibit C

Application: Z-21-01
Corder-Torres



WETLANDS AREA



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

March 24, 2021

Mr. Kris Connelly
Planner, Kent County Department of Planning Services
Kent County Complex
555 Bay Road
Dover, DE 19901

Dear Mr. Connelly:

The Department has completed its review of a Service Level Evaluation Request for the **Adiris M. Cordero-Torres** proposed land use application, which we received on March 22, 2021. This application is for an approximately 0.75-acre parcel (Tax Parcel: 1-00-00900-01-0600-00001). The subject land is located on the west side of North Main Street (Kent Road 65) about 300 ft north of the intersection with Duck Creek Parkway (Kent Road 134). The subject land is currently zoned RS1 (Single-family Residential) with a proposed zoning of RMH (Residential Manufactured Home).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Main Street (Kent Road 65) which is from Duck Creek Parkway to the New Castle County Line, is 3,603 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

Mr. Kris Connelly

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March 24, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

Enclosure

CC: Adiris M. Cordero-Torres, Applicant
Jason Berry, Kent County Department of Planning Services
Constance C. Holland, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination
Olayiwola Okesola, Kent County Review Coordinator, Development Coordination
Joshua Schwartz, Kent County Subdivision Manager, Development Coordination
Ryan Schroder, Kent County Subdivision Manager, Development Coordination
Jeff Steward, Central District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination