Regional Planning Commission Public Hearing Agenda Thursday, February 6, 2025 at 6:00 p.m. Levy Court Chambers, 555 Bay Road Dover, Delaware 19901

www.kentcountyde.gov

In addition to the live meeting, this meeting may also be held virtually by phone and video conferencing to enable the applicant, owner, and/or members of the public to provide their testimony on the applications described below.

Join the meeting via Webex by going to:

https://kentcountyde.webex.com/kentcountyde/j.php?MTID=md32ab629cac9ea192802062ac0f33418 or by phone, by calling 1-408-418-9388. Meeting number (access code) 2339 938 4113

Call to Order for Public Hearing
The Pledge of Allegiance
Roll Call and Determination of Quorum
Approval of Agenda
Introduction and Public Hearing Instructions

Public Hearing:

- 1. CS-25-02: Felton United Methodist Church Inc: Request for Conditional Use Site Plan Approval to construct a 4,131 sq. ft. church located inside the Growth Zone Overlay District / MD-00-133.00-01-23.00-000
- 2. CS-25-03 Top 100 LLC: Request for Conditional Use with Site Plan Approval for a landscaping business located outside the Growth Zone Overlay District / MD-00-133.00-01-23.00-000

Public Comment Commission Comments Other Business Adjournment

29 Del. C. 10004 (e) (2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the Meeting.

DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT February 6, 2025

Application # / Title : CS-25-02 Felton United Methodist Church

Inc.

Zoning District : AC (Agricultural Conservation)

Present Use : Agricultural

Proposed Use : Assembly and Worship

Area and Location : 5.8562± acres: on the east side of Canterbury

Rd., approx. 0.61 miles south of Andrews Lake Rd., northeast of the Town of Felton

This 5.8562± acre parcel is currently vacant. The property owner has applied for approval of a conditional use to construct an assembly and worship center. The project proposes the construction of a 4,071 sq. ft. building with 50 parking spaces.

I. STAFF RECOMMENDATION

Staff recommends **CONDITIONAL APPROVAL** based on the information submitted, as the application demonstrates compliance with the conditions for approval as outlined in Kent County Code Chapters 205, 187, and 171.

A. Code Requirements:

- 1. All applicable state and local licenses and permits for such use have been attained.
- 2. The principal access shall be by means of a numbered state or County road.
- 3. Prior to final plan approval, all outside agency requirements must be met.
- 4. 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. This plan must gain final approval within 24 months of the date of preliminary approval. Construction may not commence until final approval is given.

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

II. WAIVER REQUEST

The Commission may waive or modify the requirements of Chapter 187 by following these guidelines (§187-80):

- Strict compliance with the requirements of this chapter would result in extraordinary hardship to the applicant;
- Is not self-imposed, or;
- That these conditions would result in inhibiting the achievement of the objectives of these regulations;
- Will not have the effect of nullifying the intent and purpose of this chapter;
- Will not be contrary to the goals and objectives of the Comprehensive Plan;
- Shall not be more than a minimum easing of the requirements;
- Shall not result in conflict with Chapter 205, Zoning.

The applicant has requested a waiver of Kent County Code Section 187-60.A. and 187-60.B., requiring the construction of sidewalks along arterial and collector roadway frontage. The sidewalks are to be designed and situated to provide pedestrian linkages from parking lots to building entrances and between buildings and groups of buildings on the premises.

Staff has reviewed this request and recommends **APPROVAL** of this waiver based on the following:

The nature of the zone where the property lies is primarily residential and agricultural. Maintaining the current layout, without the required installation of the sidewalk, will not affect the nature of the zone, and will have no impact on the character and uses in the immediate vicinity of the property. Based on the proposed use, rural location, and lack of adjacent connectivity, there is not a necessity for pedestrian access for this parcel at this time.

III. BACKGROUND INFORMATION

• The Kent County Comprehensive Plan recommends that the subject property be utilized for low density residential. The property is zoned AC (Agricultural Conservation) which allows assembly and places of worship 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 AC zoning district requirements.

Staff Recommendation Report CS-25-02 Felton United Methodist Church, Inc. February 6, 2025 Page 3

- The parcel is located within the Growth Zone Overlay District. There are 1.31± acres of existing woodlands on the parcel. No woodlands are being disturbed. Fifty two trees will be planted within the parcel to satisfy the tree plantings in non-woodland areas as required under Kent County Code Section 187-74.(C).
- The character of the surrounding area is a mix of residential and agricultural. The adjacent parcel to the north and a parcel on the west side of Canterbury Rd are utilized agriculturally. The parcel to the south of the subject parcel and several of the parcels on the west side of Canterbury Rd. are utilized residentially.
- There have been no previous land use applications on the subject site.

IV. AGENCY COMMENTS

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIV.

Contact: Brian Hall, Engineering Project Manager II

Advisement:

1. Kent County sewer is Not currently "legally" or "technically" available.

Comment:

1. The Engineering Division grants "Approval, With No Objection to Recordation."

B. DNREC – Division of Fish & Wildlife

Contact: Danielle Minter, Environmental Review Coordinator

Comment:

1. A review of our database indicates that there are currently no records of staterare or federally- listed plants, animals or natural communities at this project site.

C. Kent Conservation District

Contact: Cullen Baker

Requirements:

- 1. A pre-application meeting is required to be scheduled with our office.
- 2. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by Kent Conservation District prior to any land disturbance (i.e. clearing, grubbing, filling, grading, etc.). The review fee and completed application for a Detailed Plan are due at the same time of plan submittal to the District's office.
- 3. The following notes must appear on the record plan:

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- The Kent Conservation District reserve the right to enter private property for purposes of periodic site inspection.
- The Kent Conservation District reserve the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
- A clear statement of defined maintenance e responsibility for stormwater management facilities.

Comment:

1. A letter of no objection to recordation will be provided upon approval of a Sediment and Stormwater Management Plan.

D. Delaware Department of Transportation

Contact: Joshua Schwartz

Comment:

1. Submit for a pre-submittal meeting to discuss the project through PDCA.

E. Dover/Kent County MPO Contact: Malcolm Jacob

Comment:

The applicant has requested a waiver of the required sidewalks along the property's frontage. Despite the lack of existing sidewalks on this section of Canterbury Road, Dover Kent MPO recommends adding sidewalks to the site plan, both as a pathway on the property's frontage and as a linkage sidewalk leading directly to the building's entrance. Canterbury Road is a minor arterial with a narrow width, a high-speed limit (50 mph), and minimal shoulders. This leads to unsafe conditions for pedestrians. Furthermore, even if there are no sidewalks at this time, future development on the corridor may lead to new sidewalk networks and a higher volume of pedestrians in the area.

Note that improvements to this section of Canterbury Road, including the addition of sidewalks, were recommended in Dover Kent MPO's FY2023-2026 TIP (p. A - 8).1 The entirety of the road was also recommended for future study in Dover Kent MPO's MTP, Innovations 2050 (p. 6 - 4).2 One of the goals to emerge from the MTP was to use an Enhancement Index (EI) to evaluate projects based on their likelihood of enhancing the user experience and the overall safety of the corridor. Sidewalks that follow DelDOT and ADA specifications are one of the criteria that contribute to a better user experience. As such, Dover Kent MPO strongly advocates for the inclusion of sidewalks in site plans.

A painted crosswalk that connects the parking lot to the building's entrance would improve the safety of pedestrians. This crosswalk should be ADA-accessible and

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> without obstructions. It should be clearly visible to motorists and should reduce the risk pedestrians face when moving through the parking lot.

Finally, it may be beneficial to include a dedicated cross-access easement, which would preserve some of the property for future connections to adjacent properties. This would be beneficial if the adjacent properties were ever developed, as it would allow for fewer entrances along the corridor which would improve the flow of traffic and safety conditions. However, coordination between the applicant and adjacent properties would be required if this were to occur.

V. OWNER/DEVELOPER

The owner/developer shall be aware of and be prepared to comply with all the 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 24 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
- 4. DNREC (well and septic)

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

Preliminary Site Plan

DEPARTMENT OF PLANNING SERVICES

DATA SHEET FOR CONDITIONAL USE WITH SITE PLAN

Regional Planning Commission Public Hearing of: Thursday, February 6, 2025

Regional Planning Commission Business Meeting of: Thursday, February 13, 2025

Levy Court Public Hearing of: Tuesday, February 25, 2025

Application # : CS-25-02

Application Title : Felton United Methodist Church, Inc.

Owner/Applicant : Felton United Methodist Church Inc

101 E Main St PO BOX 247 Felton, DE 19943

Engineer : Scott Engineering, Inc

Greg Scott, P.E. 22 Old Rudnick Ln. Dover, DE 19901

Zoning District : AC (Agricultural Conservation)

Comprehensive Plan Map Designation : Low Density Residential

Relation to Growth Zone : Inside

Present Use : Agricultural

Proposed Use : Assembly and Worship

Water : Well

Sewer : Septic

Levy Court District : 4th - Scott

School District : Lake Forest

Fire District : Felton

Area and Location : 5.8562± acres: on the east side of Canterbury Rd., approx. 0.61

miles south of Andrews Lake Rd., northeast of the Town of Felton

Kent County Property

Identification Numbers : SM-00-129.00-02-23.01-000



LOCATION AND ZONING MAP

Exhibit A

Application: CS-25-02 Felton United Methodist Church, Inc.

APPLICANT/OWNER:

Felton United Methodist Church, Inc.

PRESENT ZONING DISTRICT:

AC (Agricultural Conservation)

PRESENT USE:

Agricultural

PROPOSED USE:

Assembly and Worship

LEVY COURT DISTRICT:

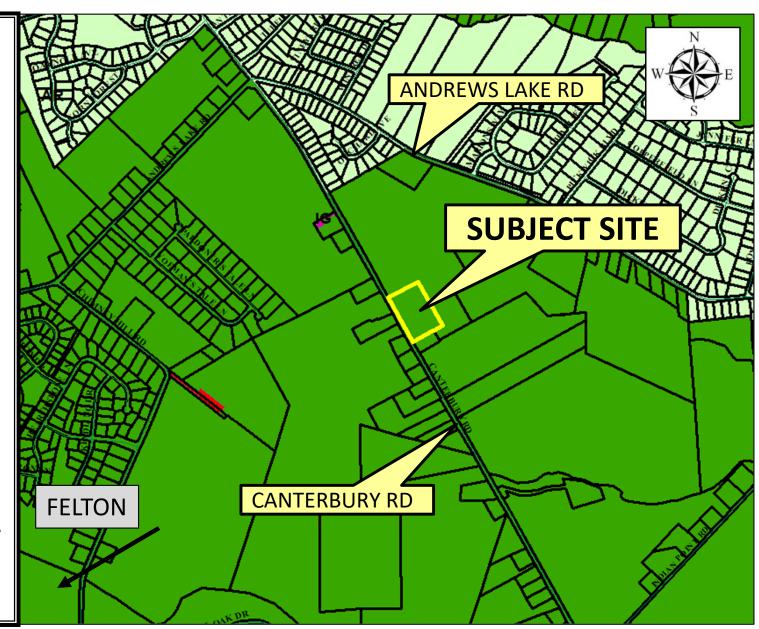
4th - Scott

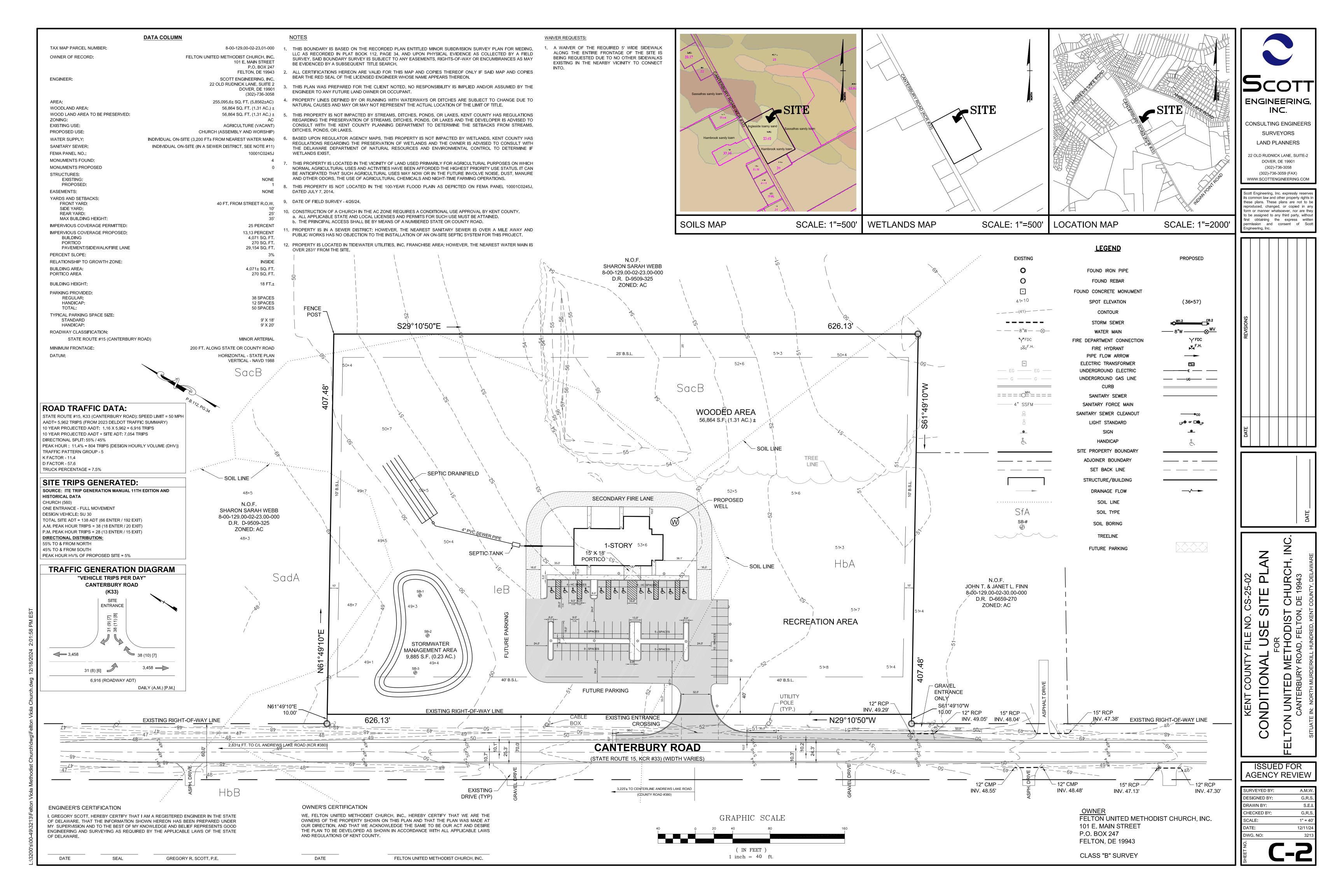
TAX MAP NO:

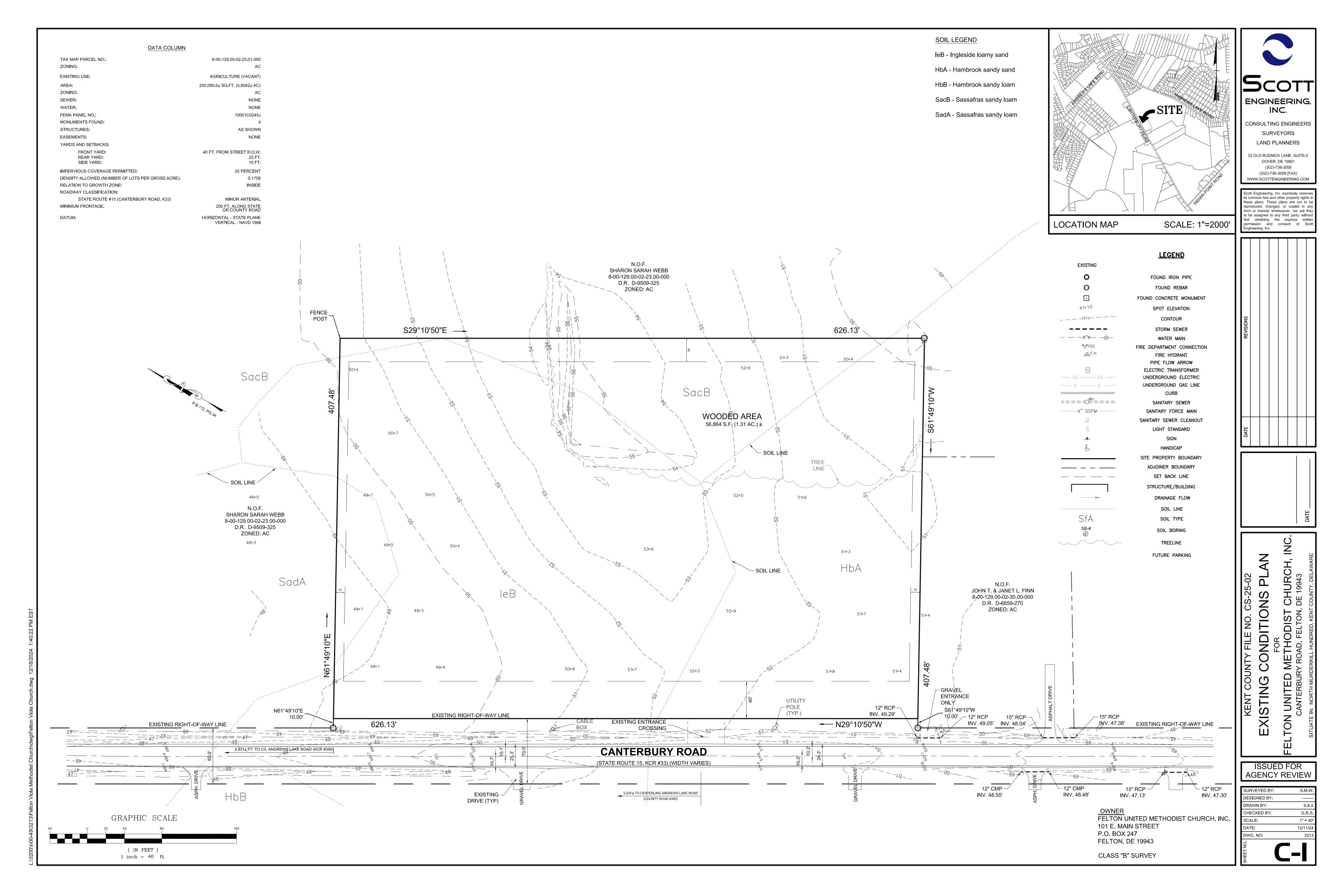
SM-00-129.00-02-23.01-000

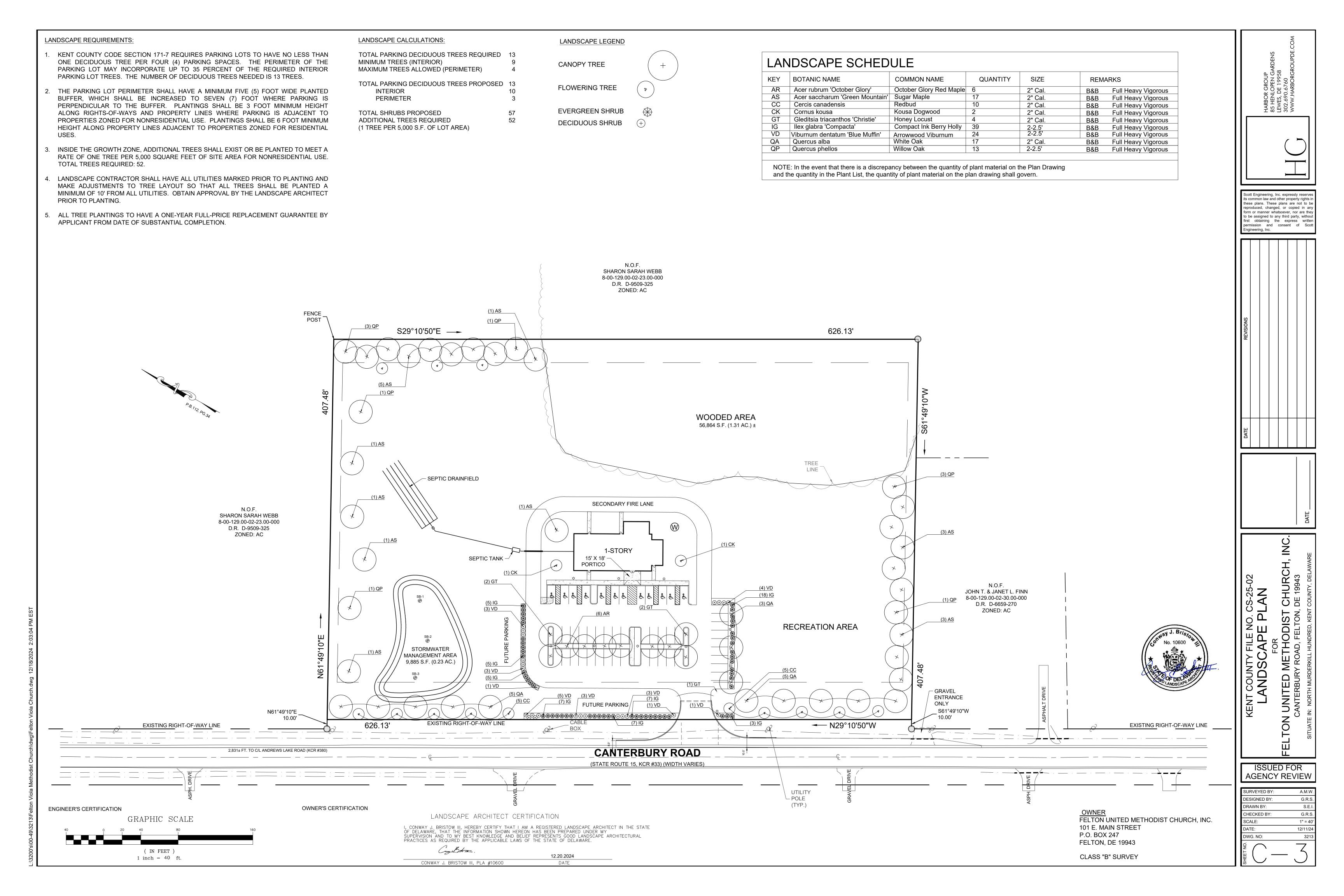
LOCATION:

5.8562± acres: on the east side of Canterbury Rd., approx. 0.61 miles south of Andrews Lake Rd., northeast of the Town of Felton





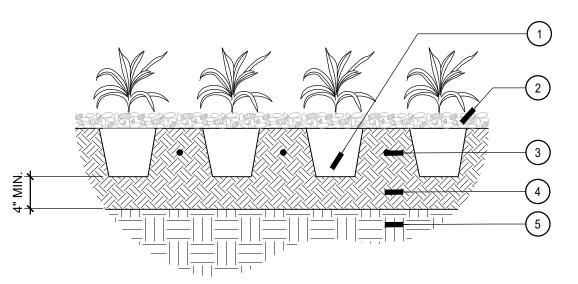




- 2. ALL PLANT MATERIALS SHALL BE OF 'SPECIMEN' QUALITY, HAVE DENSELY DEVELOPED BRANCHES FRESHLY DUG WITH VIGOROUS, FIBROUS ROOT SYSTEM. PLANTS SHALL BE HEALTHY, FREE FROM DISEASE, ALL FORMS OF INSECT INFESTATIONS OR OTHER PHYSICAL DEFORMITIES. ALL PLANTS SHALL CONFORM TO GRADING AND SIZING STANDARDS OF THE LATEST EDITION OF AMERICAN STANDARDS FOR NURSERY STOCK. STOCK FURNISHED SHALL BE AT LEAST THE MINIMUM SIZE INDICATED WITH 25% AS THE MINIMUM AND 75% AS THE MAXIMUM SIZE INDICATED.
- OWNER, DEVELOPER, OR LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY MATERIALS DUE TO POOR QUALITY, SIZE OR IMPROPER HANDLING. ALL REJECTED MATERIALS SHALL BE REMOVED FROM THE SITE AND REPLACED WITH ACCEPTABLE MATERIALS AT NO ADDITIONAL COST.
- 4. ALL PLANT MATERIALS SHALL BE COVERED DURING TRANSPORT TO PREVENT WIND BURNING. ALL PLANTS SHALL BE PLANTED IMMEDIATELY UPON DELIVERY OR 'HEELED IN' IN A MANNER ACCEPTABLE TO THE LANDSCAPE ARCHITECT. HANDLE ALL PLANTS BY THE ROOT SYSTEM.
- 5. CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT PRIOR TO STARTING INSTALLATION FOR INSPECTIONS OF PLANT LOCATIONS, QUANTITIES, QUALITY AND SIZE AND UPON COMPLETION FOR FINAL INSPECTION OF PLANTING, MULCHING, STAKING AND CLEAN UP.

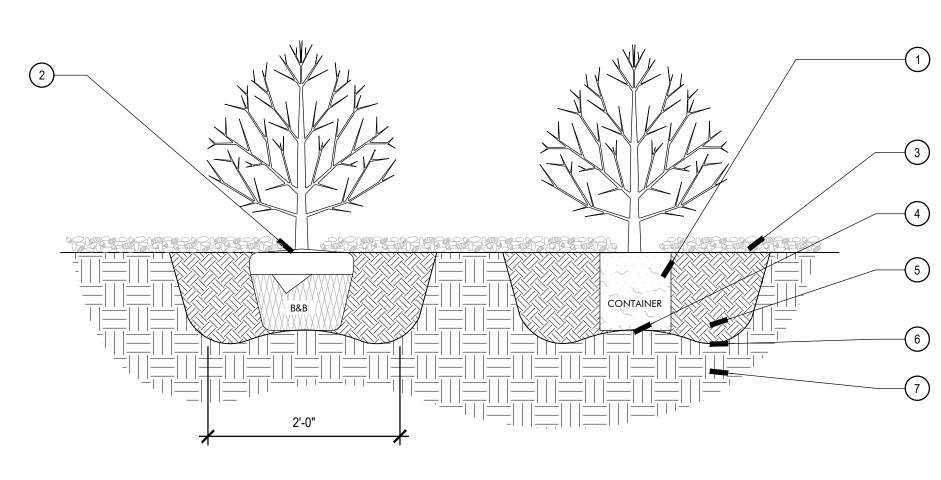
PLANTING IMPLEMENTATION

- PLANTING PITS: EXCAVATED CIRCULAR PITS WITH VERTICAL SIDES. PROVIDE SHRUB PITS 24" GREATER THAN THE DIAMETER OF THE ROOT SYSTEM AND 48" GREATER FOR TREES. (DEPTH OF PIT TO ACCOMMODATE ROOT SYSTEM) SCARIFY THE BOTTOM OF THE PIT TO A DEPTH OF 4" BELOW DEPTH OF BALL.
- PLANTING MIX: PROVIDE WEED AND SEED FREE HUMUS OR PEAT MOSS. MIX ONE (1) PART HUMUS TO FOUR (4) PARTS EXISTING TOP SOIL. MIX THOROUGHLY WITH A 12-12-12 FERTILIZER ACCORDING TO THE MANUFACTURER'S DIRECTIONS.
- SET PLANTS: PLACE IN PIT TO PROPER GRADE AND ALIGNMENT. SET PLANTS UPRIGHT, PLUMB AND FACED TO GIVE THEIR BEST APPEARANCE. SET PLANTS WITH BALL 2" TO 3" ABOVE FINISHED GRADE. DO NOT FILL OVER BALL, STEMS, OR TRUNK. BACKFILL AND TAMP PLANTING MIX IN 4" LAYERS, CUT AND REMOVE TOP 1/3 OF BURLAP, ALL LACING, ROPES, WIRES, STRINGS OR WIRE BASKETS. FORM A SOIL RING AROUND BALL ABOVE FINISHED GRADE. THOROUGHLY WATER IN PLANTING MIX TO FILL ALL VOIDS AND FILL RIM OF PIT.
- MULCH: MULCH ALL PLANTS WITH 3" OF AN APPROVED MULCH WITHIN 48 HOURS AFTER PLANTING. APPLY AN APPROVED PRE-EMERGENT WEED CONTROL ACCORDING TO MANUFACTURER'S DIRECTIONS IN ALL PLANTING BEDS PRIOR TO MULCHING.
- STAKING: ALL TREES SHALL BE STAKED. TREES UNDER 3" IN CALIPER SHALL HAVE 2 STAKES. TREES OVER 3" IN CALIPER SHALL HAVE 3 STAKES. STAKES SHALL BE EVENLY SPACED AND DRIVEN FIRMLY INTO UNDISTURBED SUBSOIL. PLACE STAKES PARALLEL TO WALKS, ROADS AND BUILDINGS.
- PRUNING: PRESERVE NATURAL SHAPE OF PLANT. DO NOT CUT THE CENTRAL LEADER OF TREES. REMOVE OR CUT BACK DAMAGED OR UNSYMMETRICAL GROWTH.
- ANTI-DISICANT: APPLY "WILT PROOF" OR EQUIVALENT TO ALL PLANTS. APPLY OVER ALL PLANT AREAS ACCORDING TO MANUFACTURE'S DIRECTIONS.
- GROUNDCOVER AND PERENNIAL BEDS: STRIP EXISTING LAWN OR WEEDS. SPREAD A 1" LAYER OF PEAT MOSS OR APPROVED HUMUS ON ENTIRE AREA. APPLY 8-18-10 FERTILIZER ACCORDING TO MANUFACTURER'S DIRECTIONS. ROTO-TILL ENTIRE AREA TO A DEPTH OF 6". FINE GRADE BED. APPLY APPROVED PRE-EMERGENT WEED CONTROL ACCORDING TO MANUFACTURER'S DIRECTIONS. MULCH ENTIRE AREA WITH 2" MULCH AS SPECIFIED. PLANT GROUNDCOVERS AND PERENNIALS THROUGH MULCH INTO SOIL AND WATER.
- TOPSOIL SHALL BE SANDY LOAM. IT SHALL NOT HAVE A MIXTURE OF SUBSOIL AND SHALL NOT CONTAIN CINDERS, STONES, LUMPS, STICKS, ROOTS OR OTHER EXTRANEOUS MATTER LARGER THAN 1/2" DIAMETER. TOPSOIL MUST BE FREE OF WIREGRASS, QUACKGRASS, NUTSEDGE, POISON IVY, OR CANADA THISTLE. TOPSOIL SHALL HAVE A pH OF 5.5 - 7.5 AND NOT HAVE SOLUBLE SALTS HIGHER THAN 500 PARTS PER MILLION. PROVIDE CERTIFICATION FROM A RECOGNIZED LABORATORY.
- ALL PLANT MATERIALS FURNISHED BY THE LANDSCAPE CONTRACTOR FOR THIS CONTRACT SHALL BE GUARANTEED FOR 100 % OF THE COST OF REPLACEMENT (MATERIALS AND LABOR), TO LIVE AND REMAIN IN A HEALTHY, VIGOROUS CONDITION, FOR A PERIOD OF (1) YEAR AFTER COMPLETION AND ACCEPTANCE BY THE OWNER AND DEVELOPER. ANY PLANTS THAT REMAIN UNHEALTHY OR HAVE LOST THEIR SHAPE DUE TO DEAD BRANCHES OR OTHERWISE ARE UNACCEPTABLE IN THE OPINION OF THE LANDSCAPE ARCHITECT, SHALL BE REMOVED AND REPLACED AT NOT ADDITIONAL COST TO THE OWNER OR DEVELOPER. GUARANTEE SHALL NOT INCLUDE DAMAGE OR LOSS OF PLANTS, MATERIALS, ET, CAUSED BY FIRE, FLOODS FREEZING RAINS, LIGHTING STORMS OR WINDS (OVER 76 MPH), ACTS OF VANDALISM OR NEGLIGENCE ON THE PART OF THE OWNER OR DEVELOPER. REMOVE ALL STAKES AND GUYS FROM PLANTS AT THE END OF THE ONE YEAR GUARANTEE PERIOD. REPLACEMENT PLANTS SHALL BE GUARANTIED FOR AN ADDITIONAL YEAR AFTER INSTALLATION.
- MAINTAIN PLANTINGS & SEED AND/OR SOD UNTIL COMPLETION AND ACCEPTANCE BY OWNER OF ENTIRE PROJECT. MAINTENANCE SHALL INCLUDE MOWING, PRUNING, CULTIVATION, WEEDING, WATERING, AND APPLICATION OF APPROPRIATE INSECTICIDES & FUNGICIDES AS NECESSARY TO MAINTAIN PLANTS & SEEDING/SODDING FROM INSECTS & DISEASE.
- THE LANDSCAPE CONTRACTOR SHALL BE REQUIRED TO DELIVER TO THE OWNER OR DEVELOPER A COMPLETE RELEASE OF LIENS THAT MAY ARISE OUT OF THIS CONTRACT OR RECEIPTS PAID IN FULL IN LIEU THEREOF.



1. PLACE PLANTS IN PREPARED BED AS SPECIFIED. 2. SPACING AS SPECIFIED IN PLANT LIST (SEE PLANS). 3. PLACE PLANTS AROUND PLANTING BED EDGE FIRST,

- (1) ROOTBALL, LOOSEN BY HAND
- 2-3" MULCH, KEEP 2" AWAY FROM STEMS
- FERTILIZER TABS OR TREAT BED (3) WITH OTHER APPROVED ALTERNATE
- (4) AMENDED TOPSOIL
- (5) UNDISTURBED SOIL



CONTAINER GROWN: BY HAND OR SMALL HAND TOOLS, PULL THE ROOTS OUT (1) OF THE OUTER LAYER OF POTTING SOIL. CUT OR PULL APART ANY ROOTS THAT CIRCLE THE CONTAINER.

BALL AND BURLAP: PLANT SHALL BE TRANSPLANTED AT THE SAME GRADE AS IT BROE 2 IN THE NURSERY PLOT PRIOR TO BALLING AND BURLAPPING. CUT AND REMOVE BURLAP FROM TOP ONE-THIRD OF

ROOT BALL AS SHOWN.

- 3 2-3" MULCH, KEEP 2" AWAY FROM STEMS
- PLACE SHRUB ON FIRM SOIL IN BOTTOM OF HOLE
- (5) AMENDED TOPSOIL
- SOIL SURFACE TO BE (6) ROUGHENED TO BIND WITH **NEW SOIL**
- (7) UNDISTURBED SOIL

PERENNIAL/GROUNDCOVER PLANTING SCALE: 1" = 1'-0"





TREE STRAP OR ARBOR TIE.

- WEATHER RESISTANT WEBBING, (1) 900 LB TENSILE STRENGTH. WHITE IN COLOR, EQUALLY SPACED AROUND TREE.
- 2"x2" WOODEN STAKE DRIVEN SECURELY INTO SOIL. 3 PER TREE OVER 3" CAL. 2 PER TREE UNDER 3" CAL.
- 2-3" MULCH, KEEP 4" AWAY FROM TRUNK
- 4" MOUNDED TOPSOIL SAUCER
- FOLD BURLAP 3 AWAY FROM ROOTBALL
- **CUT BANDS OF WIRE BASKET** (6) AND FOLD AWAY FROM ROOTBALL
- SET ROOTBALL AT GRADE, OR (7) SEVERAL INCHES HIGHER IN POOR DRAINING SOILS
- 8 PLACE ROOTBALL IN FIRM SOIL AT BOTTOM OF HOLE
- TAMP SOIL FIRMLY AROUND ROOTBALL

- (10) AMENDED TOPSOIL
- DIG WIDE, SHALLOW HOLE (11) WITH TAMPED SIDES 2 TIMES THE ROOTBALL DIAMETER
- (12) UNDISTURBED SOIL

its common law and other property rights in

these plans. These plans are not to be reproduced, changed, or copied in any form or manner whatsoever, nor are they to be assigned to any third party, without

first obtaining the express written

Engineering, Inc.

N N CHURCH, DE 19943

ANDSCAPE PLAN

NOT.

ISSUED FOR **AGENCY REVIEW**

SURVEYED BY A.M.W. G.R.S. DESIGNED BY: S.E.I. DRAWN BY: CHECKED BY G.R.S. 12/11/24 DWG. NO:

TREE PLANTING

LANDSCAPE ARCHITECT CERTIFICATION

CONDAY & BRISTON III, PLA /10600