

Regional Planning Commission Public Hearing Agenda
Thursday, December 5, 2024 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-99-11 Delaware State Fairgrounds:** Request Conditional Use Site Plan Approval of an Expansion to the Fair Grounds located inside the Growth Zone Overlay District / MN-00-179.00-01-33.00, MN-00-179.00-01-34.00, MN-00-179.00-01-38.00 & MN-00-187.00-01-03.00
2. **CS-24-05 Tidewater Utilities Water Tower:** Request for Conditional Use Site Plan Approval of a water tower located inside the Growth Zone Overlay District / ED-00-057.00-01-13.00-000
3. **CZ-24-11 Dirk G. & Dianna M. Gleysteen:** Request to amend the Zoning Map to AR (Agricultural Residential) located outside the Growth Zone Overlay District / MN-00-170.00-01-62.00-000
4. **CZ-24-12 MHA Land Holdings LLC:** Request to amend the Zoning Map to RM (Multi-Family Residential) located inside the Growth Zone Overlay District / NM-00-095.00-01-07.00-000
5. **LC24-32 Stormwater Maintenance District Fees:** To amend Kent County Code Vol.II, Chapter 187, Subdivision and Land Development, as amended by revising Article XVII-Supplementary Regulations, § 187-90.4 Stormwater maintenance districts to clarify that the annual fee shall be established in Chapter 128, Fees and incorporated into the annual budget.
6. **LC24-33 Solar Facilities-Decommissioning Estimate:** To amend Kent County Code Vol. II, Chapter 205, Zoning, as amended by revising Article VI – Conditions of Approval, § 205-73, Other uses to add a requirement for third party review of solar and wind facility decommissioning cost estimates.
7. **LC24-35 Area & Bulk Regulations Inside the GZ:** To amend Kent County Code Vol. II, Chapter 205, Zoning, as amended by revising Article V – Permitted Uses, §205-53, Permitted use table and Article VII Area and Bulk Requirements, § 205-81 Residential principal structures within Growth Zone Overlay District in order to permit duplexes in the AC and AR zoning districts; townhouses in the RS1 zoning district; reduce minimum lot size,

frontage, and setback requirements; eliminate impervious cover minimums, eliminate the 5 acre minimum lot size for multi-family and manufactured home development, and increase density by ½ unit per acre in the AC, AR, and RS1 zoning districts inside the Growth Zone Overlay District.

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

December 5, 2024

Ordinance	:	LC24-34
Application Number	:	CZ-24-12 Military Housing Authority
Present Zoning / Comp Plan Map Designation	:	OC (Office Complex) / Neighborhood Commercial
Proposed Zoning / Comp Plan Map Designation	:	RM (Multi-Family Residential) / High Density Residential
Area and Location	:	4.7± acres located on the south side of Lebanon Rd, south of Sorghum Mill Rd., east of Camden.

I. STAFF RECOMMENDATION:

Based on the information presented, the Kent County Code, and the Comprehensive Plan, Staff recommends **APPROVAL** of the request to amend the Zoning Map and Comprehensive Plan Future Land Use Map. The proposed rezoning meets the conditions for approval of a zoning change under Kent County Code Section 205-408(B):

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, but the character of the neighborhood has changed to such an extent that the Zoning Map should be changed. The parcel was originally zoned IG (General Industrial) but was rezoned to RS1 in 1987 and was rezoned to OC (Office/Office Complex) in 2005. The proposal is generally consistent with the mixed pattern of commercial and residential uses in the area. The property’s size, location within the Growth Zone, being located on E. Lebanon Rd., a major collector road, and the availability of county sewer, makes it a preferable location for this type of residential zoning.

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.*

The subject site is designated as a South Dover Town Residential Development Area in the Comprehensive Plan on map 7C. Residential Development areas are unincorporated areas that

are close in proximity to cities and towns. Higher density residential uses are encouraged within these areas. The parcel is a location suited for future residential development, based on existing infrastructure and the character of the area.

- 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.*

Transportation Facilities: The subject site is located on a major collector road, which enables moderate quantities of traffic to move between arterials and local roads and provide access to adjacent properties.

Water & Sewage Systems: Public Works has commented that the parcel is “legally” located in KCSDD1. Public Service Commission indicates that the subject site is within Tidewater service area

Storm Drainage Systems & Fire Suppression Facilities: Any new project would need to be reviewed by the Kent Conservation District for stormwater impact and by the State Fire Marshall for fire suppression service.

- 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.*

There is compatibility between the uses of the property as reclassified and the surrounding land uses that would promote the health, safety, and welfare of present and future residents of the County. The subject site is located within an area that is predominantly residential. To the west and south is Twelve Oaks subdivision, to the north east is Grand Oaks subdivision, to the north is an assisted living facility, also to the north is a gas and propane business, and to the west are residential parcels.

II. BACKGROUND INFORMATION:

- The subject site is located inside the Growth Zone Overlay District and is currently vacant.
- There have been no additional rezoning applications of a similar nature within 0.25 of a mile of the subject parcel.
 - Z-80-22 was granted approval of the rezoning of 2.249± acres from IG to AC, in 1980, for a parcel located 116’ west of the subject parcel.
 - CZ-18-03 was granted approval of the rezoning of 2.968± acres from BN to RM, in 2018, for a parcel located 250’ north of the subject parcel.
- There have been 2 additional rezoning applications on the subject parcel:
 - Z-87-28 was granted approval of the rezoning of 4.7± acres, from IG to RS1 in 1987.
 - CZ-05-09 was granted approval of the rezoning of 4.7± acres, from RS1 to OC in 2005.

III. AGENCY COMMENTS:

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS

Contact: Brian L. Hall, Engineering Project Manager II

Requirements:

1. The property is “legally” located in KCSDD1 – Tidbury Branch Area.
2. Technically, there are existing KC sewer systems, with easements, on and around this property.
3. Based on the nature of this proposal, it is anticipated a Technical Feasibility Study (TFS) will be required.
4. The proposal must proceed in accordance with the Kent County Code, specifically Chapter 128 (Fees) and Chapter 180 (Standards), applicable provisions.

Comment:

1. The Engineering Division grants “Conditional Approval”.

B. OFFICE OF THE STATE FIRE MARSHAL

Contact: William Kelly II, CFI, Assistant Chief

Comment: Site plan for the project must be submitted for a review and approval by the Delaware State Fire Marshal’s Office.

C. DELAWARE DEPARTMENT OF TRANSPORTATION – Division of Planning

Contact: Joshua J. Schwartz, Subdivision Manager

Comment:

1. DelDOT has no comment on Zoning.

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 LC24-34
Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Comprehensive Plan Map
Exhibit C – Rezoning Area
Exhibit D – Comprehensive Plan Area

INTRODUCED BY: Joanne Masten
DATE INTRODUCED: November 12, 2024
PUBLIC HEARING DATE: _____
PUBLIC HEARING TIME: 7:00 P.M.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

ORDINANCE - LC24-34

An Ordinance to amend the Comprehensive Plan Map Designation and 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 7th day of October 2024 an application was filed by property owners of record known as MHA Land Holdings, LLC., for rezoning of Tax Parcel; NM-00-095.00-01-07.00/000; which application has been designated as Application No. CZ-24-12 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 beginning 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. The Comprehensive Plan Map for Kent County, Delaware is hereby amended by revising the land use designation for Tax Parcel; NM-00-095.00-01-07.00/000 from Neighborhood Commercial to High Density Residential. The referenced Tax Parcel forms the area of 4.7 +/- Acres of land located on the south side of Lebanon Rd., south of Sorghum Mill Road., east of Camden.

Section 2. That the Official Zoning Map of Kent County, Delaware is hereby amended by rezoning Tax Parcel; NM-00-095.00-01-07.00/000; from OC (Office Complex) to RM (Multi-Family Residential). The referenced Tax Parcel forms the area of 4.7 +/- Acres of land located on the south side of Lebanon Rd., south of Sorghum Mill Road., east of Camden.

Section 3. 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
This ____ Day of _____ 2024

ATTEST: _____
Clerk of the Peace

Synopsis: This ordinance revises the Comprehensive Plan Map land use designation, and the Official Zoning Map for Tax Parcel: NM-00-095.00-01-07.00/000; for Residential development.



DEPARTMENT OF PLANNING SERVICES

DATA SHEET FOR ZONING MAP AMENDMENT

Regional Planning Commission Public Hearing of: **Thursday, December 5, 2024**

Regional Planning Commission Business Meeting of: **Thursday, December 12, 2024**

Levy Court Public Hearing of: **Tuesday, December 17, 2024**

Ordinance # / Application # and Name	:	LC24-34/ CZ-24-12 Military Housing Authority
Applicant/Owner	:	MHA Land Holdings LLC 2416 Northglen Dr. Clovis, NM 88101
Additional Contact	:	Davis Bowen & Friedel, Inc 1 Park Ave Milford, DE 19963
Present Zoning / Comp Plan Map Designation	:	OC (Office Complex) / Neighborhood Commercial
Proposed Zoning / Comp Plan Map Designation	:	RM (Multi-Family Residential) / High Density Residential
Relation to Growth Zone	:	Inside
Levy Court District	:	5 th - Sweeney
School District	:	Caesar Rodney
Fire District	:	Camden-Wyoming
Area and Location	:	4.7± acres located on the south side of Lebanon Rd, south of Sorghum Mill Rd., east of Camden.
Kent County Property Identification Number	:	7-00-09500-01-0700-000



Kent County Levy Court

LOCATION AND ZONING MAP

Exhibit A

Application: CZ-24-12
MHA Land Holdings LLC

APPLICANT/OWNER:
MHA Land Holdings LLC

**PRESENT COMPREHENSIVE
PLAN MAP DESIGNATION:**
Neighborhood Commercial

**PROPOSED COMPREHENSIVE
PLAN MAP DESIGNATION:**
High Density Residential

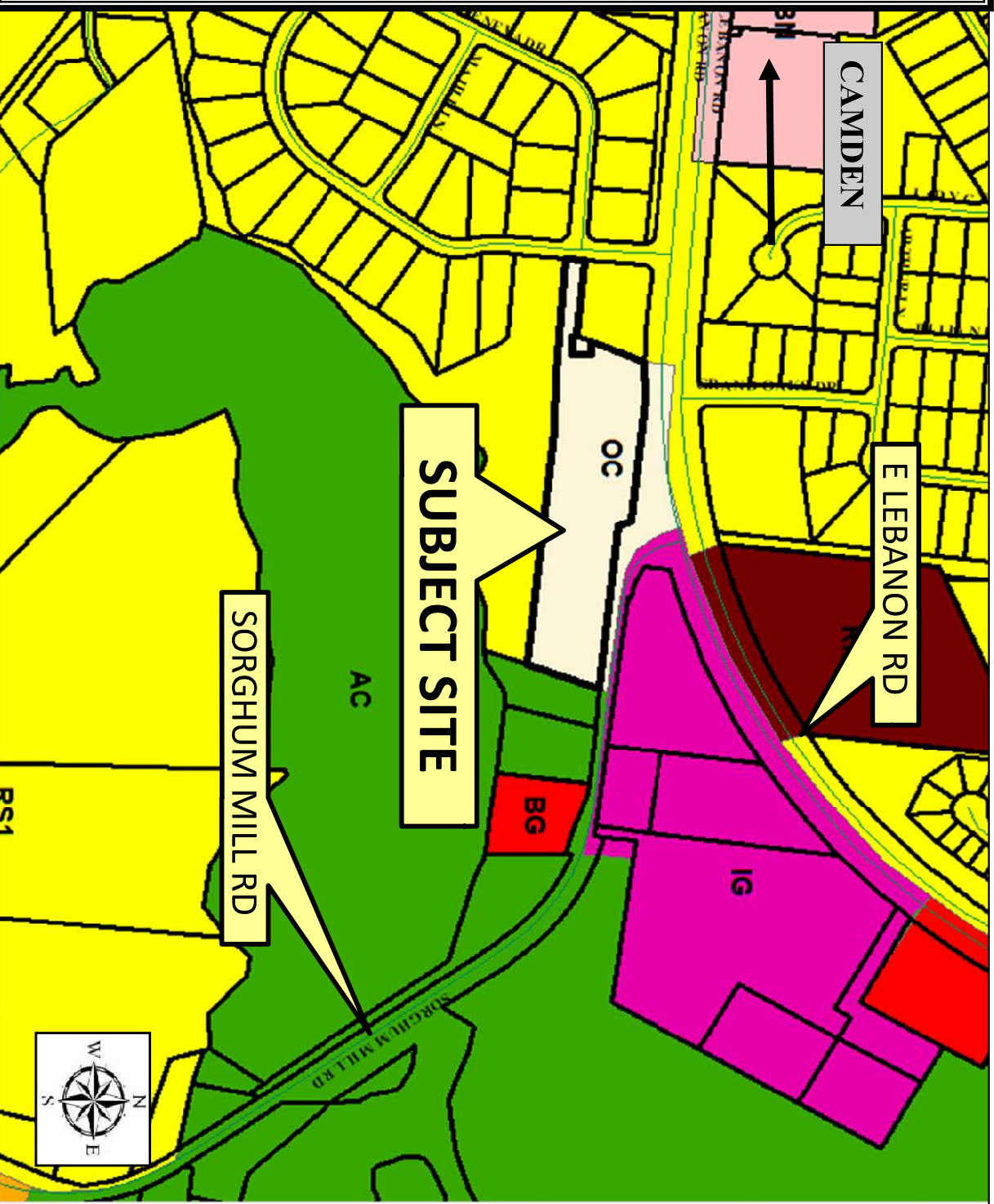
PRESENT ZONING DISTRICT:
OC (Office Complex)

PROPOSED ZONING DISTRICT:
RM (Multi-Family Residential)

LEVY COURT DISTRICT:
5th - Sweeney

TAX MAP NO:
NM-00-095.00-01-07.00-000

LOCATION: 4.7± acres located on
the south side of Lebanon Rd, south of
Sorghum Mill Rd., east of Camden.





Kent County Levy Court

COMPREHENSIVE PLAN MAP Exhibit B

Application: CZ-24-12
MHA Land Holdings LLC

APPLICANT/OWNER:
MHA Land Holdings LLC

**PRESENT COMPREHENSIVE
PLAN MAP DESIGNATION:**
Neighborhood Commercial

**PROPOSED COMPREHENSIVE
PLAN MAP DESIGNATION:**
High Density Residential

PRESENT ZONING DISTRICT:
OC (Office Complex)

PROPOSED ZONING DISTRICT:
RM (Multi-Family Residential)

LEVY COURT DISTRICT:
5th - Sweeney

TAX MAP NO:
NM-00-095.00-01-07.00-000

LOCATION: 4.7± acres located on
the south side of Lebanon Rd, south of
Sorghum Mill Rd., east of Camden.

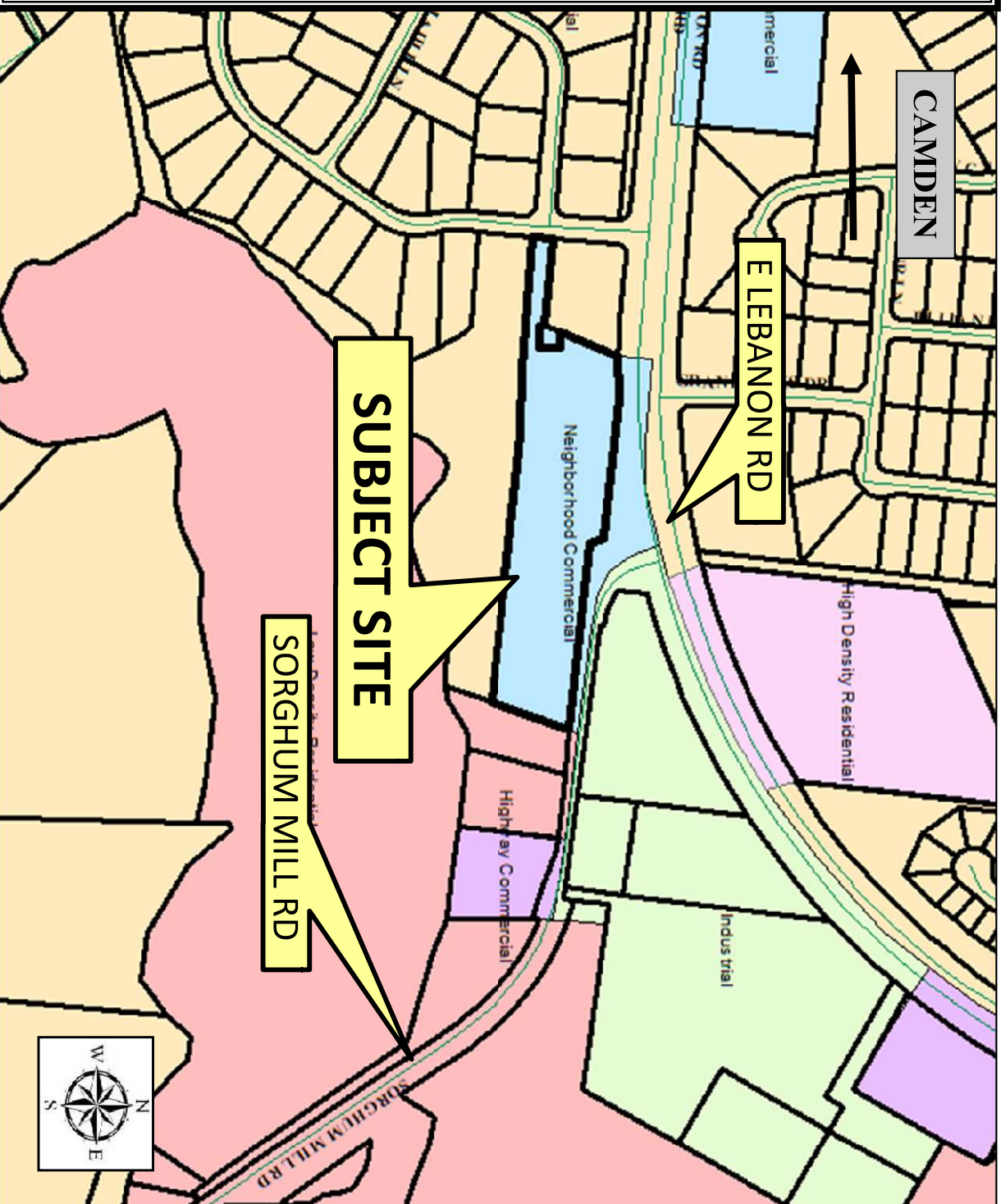
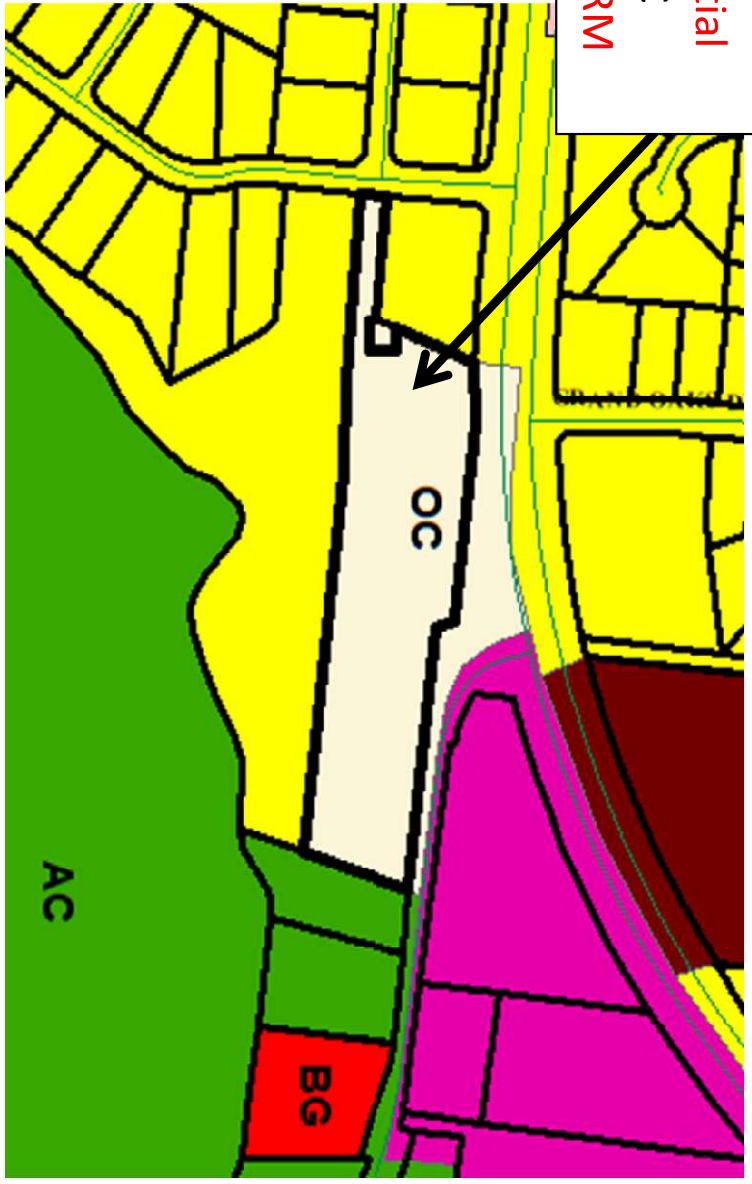


Exhibit C

Application: CZ-24-12
MHA Land Holdings LLC

PRESENT COMP. PLAN:
Neighborhood Commercial
PROPOSED COMP. PLAN:
High Density Residential
PRESENT ZONING: OC
PROPOSED ZONING: RM

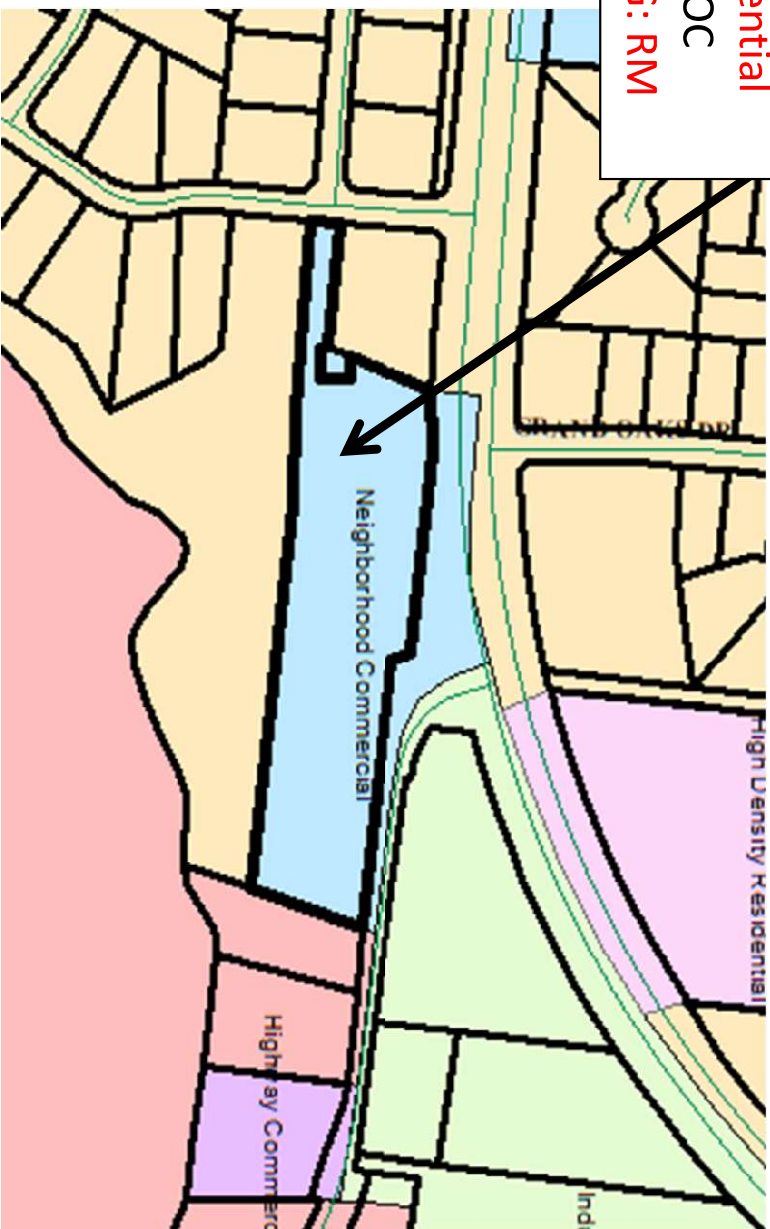


REZONING AREA

Exhibit D

Application: CZ-24-12
MHA Land Holdings LLC

PRESENT COMP. PLAN:
Neighborhood Commercial
PROPOSED COMP. PLAN:
High Density Residential
PRESENT ZONING: OC
PROPOSED ZONING: RM



REZONING AREA