



## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

February 5, 2026

<b>Application Number</b>	:	SL-26-01
<b>Preliminary Plan Title</b>	:	Thompson Ridge
<b>Zoning District</b>	:	AC (Agricultural Conservation)
<b>Site Area</b>	:	81.07 ±
<b>Proposed Number of Lots</b>	:	107 Single-Family
<b>Relation to Growth Zone</b>	:	Inside

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#### I. STAFF RECOMMENDATION:

Staff recommend **CONDITIONAL APPROVAL** based as the plan meets the minimum requirements for preliminary approval. Below are code requirements and staff recommendations that must be incorporated in the final plan:

##### A. Code Requirements:

1. The final plan must meet all requirements of Chapters 171, 187, and 205 of the Kent County Code and all items in the final plan column of Appendix D of Chapter 187. This may include items that are not specifically outlined below. The final plan must be recorded within 24 months of the date of preliminary approval.
2. In accordance with §187-43, it is required that a bond be filed for or deposited in escrow with the County or a letter of credit issued in a sum sufficient to ensure completion of requirements such as buffers, landscaping, and/or open space improvements imposed by the Levy Court or Regional Planning Commission. Such surety bond or letter of credit shall be required prior to issuance of a certificate of occupancy. This surety will guarantee that, if the developer is not able to financially complete the project, the funds will be available to complete the amenities promised to the residents of the community.
3. The creation of a trash district is required in accordance with the provisions of §187-53(H). The applicant shall contact the Kent County Department of Public Works for information on this process (Phone 302-744-2430).

4. §187-53.C. requires that this project shall be served by a central water system that includes fire protection. Fire hydrant locations shall be located on the plan accordance with the Delaware State Fire Protection Regulations.
5. In accordance with §187-60(H), sidewalk design and installation must comply with federal requirements of the Americans with Disabilities Act (ADA) and shall incorporate barrier-free access ramping at points of intersection with street crossings and at other locations so as to accommodate barrier-free pedestrian movement and access to buildings, parking areas, and other site amenities. All sidewalks shall be designed as an “accessible route” and shall conform to ANSI 117.1-1998 standards for handicapped accessibility. Provide typical curb ramp detail on the plan.
6. A crosswalk is required to be added along S. State St. at the entrance to the subdivision in accordance with §187-61.A.(1).
7. Maintenance set aside areas must be provided for all stormwater management areas.
8. §187-62 requires the development to have a bus stop. The plan proposes a stop near the active open space improvements along the proposed internal streets, Ronnie Way and Mya Drive.
9. Indicate the proposed size of the subdivision signs at the entrances. Note that instead of one main entry sign, one sign may be located at each side of the main roadway entry point. Each sign may not exceed 15 sq. ft. in area, the total area shall be 30 sq. ft. or less, and the height of each sign may not exceed 6’ above grade.
10. All major subdivisions must have lighted entrances. Indicate the type of lighting for the subdivision entrances on the plan.
11. Active recreational improvements must be constructed in a proportion equal to or greater than the proportion of residential dwelling units completed. A construction schedule for the completion of the approved active recreational improvements will be required prior to final plan approval.
12. Provide a detail of the material to be used for the walking path and include a cross section showing compliance with ADA on the landscape plan.
13. Add the following General Notes:
  - All required landscape shall be planted prior to issuance of 50% of the Certificates of Occupancy by bonded phase and maintained by the applicant until all Certificates of Occupancy have been issued; provided, however, that no required landscape plantings should be conducted between May 15 and September 1. The landscape buffer area and any other landscape plan depicted on the record plan shall be maintained in perpetuity by the Homeowners’ Association or Maintenance Corporation. These deed restrictions shall run with the land and may not be vacated by the Homeowners’ Association or the Maintenance Corporation.

14. Acknowledgement of and compliance with Kent County Code Section 187-70, Ownership and maintenance of active recreation areas and passive open spaces, shall be required prior to final plan approval.
15. Add the following note to the Landscape Plan:
  - Within one year of initial construction of all stormwater management facilities, wetland and landscape plantings shall be installed and permanent metallic signage shall be placed at the SWM detention area indicating “Water Quality Management Area – Do Not Mow”. Show the detail and location of the signage on the final plan.
16. The final landscape plan should include a signature block for the professional landscape architect.
17. In accordance with §187-70, a copy of all Homeowners’ Association documents must be submitted for review by the Planning Department prior to consideration by the RPC for final approval, including the Articles of Incorporation for the Homeowners’ Association, Bylaws, and Maintenance Obligations Declaration documents.
18. This project will be required to join a stormwater maintenance district in accordance with § 187-90.4(D)(1-5) of the Code.

**B. Recommendations:**

Kent County Code §187-56(C) states that subdivision and/or land development plans shall be designed in accordance with the design requirements and standards contained in this chapter, with the objective of achieving the most advantageous and efficient use of land resources and yielding high quality living environments. For this reason, Staff has the following recommendations:

1. It is recommended that the open spaces that are not utilized for active recreation be planted with a no maintenance perennial groundcover to reduce the mowing requirements for the future Homeowners’ Association. The species of groundcover must be approved by the Planning Office prior to final approval of the subdivision.
2. Open space areas behind lots 102-107 and 84-104 should be clearly demarcated so that lot owners do not mistake these strips of land as private property. The Planning Staff recommends using landscape or fencing to delineate the open space area.

**II. WAIVER REQUESTS:**

The applicant requests a waiver from Kent County Code §187-58.H.(4) requiring street linkages to previously subdivided land that has incorporated linkage street stubs to its perimeter as part of the record plan. The applicant has requested this waiver from the street linkages due to the presence of an expansive wooded wetland area located between the existing stub in Barrett Farm and the proposed Thompson Ridge development area. The staff recommends that this waiver

request be **DENIED**. There is currently a farm lane in the area the applicant is requesting the waiver. A connection to the existing Barrett Farm street stub is imperative to provide additional circulation for this area as it develops. The street stub would provide a secondary entrance during peak hours and would provide access for first responders, school buses, transit, and trash collection vehicles. The same waiver request was submitted with application SL-06-35 Walden Ridge and was denied.

The applicant has also requested a waiver from Kent County Code §187-77.D. requiring that no impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25' to a delineated wetlands area. The applicant has requested the waiver to allow portions of the proposed five-foot walking trail to go through the 25' wetlands buffer. The staff recommends that this waiver request be **APPROVED**. The proposed five-foot wide walking trail will not go withing the wetlands. All of the proposed lots and roadways will maintain the 25' wetlands buffer.

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

- The applicant is requesting approval of a 107-lot single family development.
- The Comprehensive Plan calls for low-density residential uses in this area. The proposed plan is in conformance with the Comprehensive Plan.
- The subject site is 81.07± acres and is currently utilized for agriculture, residential, and a borrow pit.
- The character of the surrounding area is residential and agricultural in nature. Residential parcels surround the subject parcel with Barrett Farm subdivision to the southwest.
- The site will be served by Kent County Sanitary Sewer and Artesian Water Company.
- A landscape plan has been provided showing the proposed active open space improvements and tree plantings. Active improvements include a tot lot, gazebo, dog park, pier within the pond, and a walking path. Based upon the area of this project, the applicant is required to plant 111 trees and is proposing to plant 128 trees throughout the community.
- There has been one previous land use application on the subject site:
  - SL-06-35 granted approval of a 124 lot major subdivision and denied the street stub waiver request on March 8, 2007. The application expired prior to final recordation.

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

The following County and State agencies have reviewed the preliminary plan prepared by Morris & Ritchie Associates, Inc. and have provided the following requirements, conditions and recommendations:

#### **A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, Engineering Division**

**Contact: Brian L. Hall, Engineering Project Manager II**

**Requirements:**

1. The property is “legally” located in KCSDD1 – Cypress Branch Area.
2. The proposal must proceed in accordance with all applicable provisions of the Kent County Code, Chapters 128 (Fees) & 180 (Standards).
3. SS service to be provided to all existing strip lots (Kent County Code, Chapter 187).
4. Depiction of all SS easement, R-O-W, and dedication areas (existing & proposed).
5. Creation of Kent County streetlighting & garbage collection districts (Kent County Code, Chapter 187).

**Comment:**

1. The Engineering Division grants “Conditional Approval”.

**B. DEPARTMENT OF TRANSPORTATION**

**Contact: Joshua J. Schwartz**

**Comments:**

1. Please submit a meeting request form through PDCA to schedule a meeting to discuss the proposed site development.

**C. KENT CONSERVATION DISTRICT**

**Contact: Cullen Baker**

**Requirements:**

Kent Conservation District has no objection to the proposed major subdivision.

1. 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 a completed Application for a Detailed Plan are due at the time of plan submittal to the District’s office.
2. The following notes must appear on the record plan:
  - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
  - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
  - A clear statement of defined maintenance responsibility for stormwater management facilities.

**Advisory Comments to the Applicant:**

1. There was a drainage improvement project done by KCD in 2023 for flooding issues at the neighboring upstream properties, and the proposed stormwater pond is located in the area of the existing drainage ditch. It appears that there is a proposed catch basin to collect the water from this drainage ditch. KCD will need to verify that the sizing of the pond will also include the entire upstream drainage area that drains to the proposed catch basin.

2. A new subdivision shall establish a stormwater maintenance district as a condition of approval. Fees for the district shall not be incurred until the subdivision is complete and the stormwater infrastructure approved by the Kent Conservation District.
3. A minimum 15-foot maintenance access easement from the roadway is required at each facility.
4. It is strongly recommended that all storm drain pipes be designed in open space.
5. Soil investigations must be conducted to determine suitability of the soils to meet recommended embankment and permanent pool criteria.
6. A letter of no objection to recordation will be provided upon approval of a Sediment and Stormwater Management Plan.

**D. DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) DIVISION OF FISH & WILDLIFE**

**Contact: Faith Garcia**

A review of our database indicates that the following state-rare or federally-listed plants, animals or natural communities occur at or adjacent to the project site:

Scientific Name	Common Name	Taxon	State Rank	State Status	SGCN Tier or Global Rank	Federal Status
<i>Argia bipunctulata</i>	Seepage Dancer	Invertebrate-Arthropod	S1	NL	Assessment Priority	NL
<i>Nannothemis bella</i>	Elfin Skimmer	Invertebrate-Arthropod	S1	E	Tier 1	NL
<i>Enneacanthus chaetodon</i>	Blackbanded Sunfish	Fish	S2	E	Tier 1	NL

*Rare Species and Wetland Buffers*

We have records of several rare species associated with the forested riparian and wetland areas of Cypress Branch and associated tributaries. Seepage dancer (*Argia bipunctulata*), a state-rare damselfly, has occurred within a seepage area associated with Cypress Branch in the northern portion of the project area. Elfin skimmer (*Nannothemis bella*), a state-rare dragonfly, has occurred within wetlands to the south, but could inhabit wetlands within the project area as well.

We request all efforts be made to maintain the existing forested buffer along Cypress Branch to protect water quality, rare species, and wildlife habitat. Buffers not only protect water quality but also serve as wildlife travel corridors and habitat for wetland dependent species. If the existing buffer is not at least 100ft in width we recommend plantings of native trees, shrubs or wildflowers to create an adequate buffer that will protect water quality from run-off generated by this development. Adequate buffers are especially important in this area as it is experiencing a high level of development.

### *Curbing*

Small animals, such as turtles and salamanders, have difficulty climbing vertical curbs. Designing the development to exclude curbs is best for these species but if road curbing is part of the design, curbing that allows small animals to climb out of the roadbed (such as Type 2 or Cape Cod curbing) is preferred over steep, vertical curbing.

### *Key Wildlife Habitat*

The wetland on this property is mapped as Key Wildlife Habitat (KWH) in the Delaware Wildlife Action Plan (DEWAP) because it is part of a large wetland complex/large forest block that can support an array of plant and animal species across the landscape.

Although designation as KWH is non-regulatory, these maps are intended to help guide site-specific conservation planning efforts. Impacts to KWH should be minimized to the greatest extent practicable.

The DEWAP is a comprehensive strategy for conserving the full array of native wildlife and habitats, common and uncommon, as vital components of the state's natural resources. This document can be viewed via the Division of Fish and Wildlife's website.

### Fisheries

#### *State-rare Fish*

We have records of Blackbanded Sunfish (*Enneacanthus chaetodon*, S1), a state-endangered fish and Species of Greatest Conservation Need, in Cypress Branch. This species is heavily dependent on aquatic vegetation for nesting and spawning. To minimize potential impacts to this species, we request the following:

1. In-water work should not occur between April 1st through July 31st to avoid impacts to these species during nesting and spawning activities.
2. All efforts should be taken to avoid disturbance to aquatic vegetation, and to Cypress Branch and associated wetlands to maintain the microhabitats critical for this species.
3. Best management practices should be employed to avoid sedimentation onsite and downstream of the project site.

## **E. DOVER/KENT COUNTY METROPOLITAN PLANNING ORGANIZATION**

**Contact: Malcolm Jacob**

First, the applicant will need to coordinate with DelDOT and determine which improvements will be required at the neighborhood entrance, based on the available trip data. South State Street is a minor arterial with an Annual Average Daily Traffic (AADT) of 10,481 and a posted speed limit of 40 mph. Turn lanes may be needed to improve the safety of the roadway and prevent congestion during peak hours. As an example, nearby subdivisions such as Magnolia Estates utilize both righthand and lefthand turn lanes for safer turning movements by motorists. A traffic signal may also be necessary at this location.

It is worth noting that South State Street is listed in Dover Kent MPO's Metropolitan Transportation Plan, *Innovations 2050*, as a road that currently experiences peak hour deficiencies. This is based on the travel demand modeling data included in the document. The problem is especially apparent on State Street between Metz Drive and Plaindealing Road/Woodlytown Road, though the segment between Rising Sun Road and Metz Drive is projected to experience peak hour deficiencies in the coming years. If 107 single-family units were added to this property, and assuming that each single-family household generated approximately ten (10) trips each day, then this development could add as many as 1,070 daily vehicle trips to State Street. The effects of this would be compounded by the added volume from nearby subdivision projects such as Creekside Reserve and Patriots Crest. With this in mind, the applicant should work closely with DeDOT to understand the impacts of the project on traffic volume and ensure the proper steps are being taken to prevent worsening traffic deficiencies.

To address the increasing traffic volume and likely congestion issues, Dover Kent MPO strongly recommends adding a secondary entrance to the neighborhood. Existing traffic volumes on South State Street will make lefthand turn movements into and out of this proposed subdivision very difficult, especially during peak hours. Therefore, this development should include an alternative means of ingress and egress. A connection onto Banning Road is a possible route, as there is an existing stub that belongs to the same property. Another option would be a connection with Cilento Drive, which is part of the Barrett Farm subdivision. This secondary entrance will be critical for reducing congestion during peak hours as well as providing access for first responders, school buses, transit, and trash collection vehicles.

South State Street is referenced in Dover Kent MPO's *South Central Kent County Circulation & Sufficiency Study*. It is referred to as a road that has one of the highest AADTs within the South Central Kent County area, and it is noted for having deficient pedestrian and bicycle facilities. As such, it is considered a high priority road segment. The study recommends various improvements to South State Street, including a shared use path along the northern/eastern side of the road.

Sidewalks are depicted in the site plan, primarily within the neighborhood. The site plan also shows new sidewalks along the frontage of the property, though this extent is limited due to the available length of the frontage. The applicant should plan to use ADA-compliant curb ramps at each of the road crossings and at any place the sidewalk ends. Marked crosswalks would also be beneficial in key areas, such as across the neighborhood entrances and at frequently used road crossings.

The site plan indicates a potential transit stop at the neighborhood's entrance. The applicant should coordinate with the Delaware Transit Corporation (DTC) to discuss this possibility and to learn about the required amenities for a bus stop. Note that in 2024, DTC completed *DART Reimagined*, a report that outlines the recommended changes to DART service throughout the State of Delaware. These changes include the gradual shift to "microtransit" (or an "on-demand" transit format) in many parts of the state. For more information, please contact DTC.

Finally, note that wetlands are present on the property, as well as Cypress Branch, a tributary of the St. Jones River. Any site development that takes place should avoid the existing wetlands, minimize ecological impacts as much as possible, and follow all of the necessary local, State, and Federal rules regarding wetlands. The site development should also ensure that new structures are not susceptible to flooding.

For more information on each of these topics, please contact Dover Kent MPO.

**V. OWNER/DEVELOPER:**

The owner 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. Letters of “No Objection to Final Approval” from the following agencies will be required prior to final approval:

- A. DelDOT, Division of Highways
- B. Kent Conservation District
- C. Office of State Fire Marshal
- D. Kent County Department of Public Works
- E. Kent County Division of GIS / 911 Addressing
- F. Artesian Water Company

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.

ENC: Data Sheet  
Exhibit A – Location Map  
Waiver Requests  
Preliminary Plan