



# Kent County

## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT April 6, 2017

<b>Application / Title</b>	: CS-17-01 – Tsaganos Co., LLC
<b>Zoning Classification</b>	: BG (General Business)
<b>Present Use</b>	: Retail Shopping Center & Storage Warehouse
<b>Proposed Use</b>	: Same with Comprehensive Sign Package
<b>Relation to Growth Zone</b>	: Inside
<b>Area and Location</b>	: 3.7± acres on the southeast corner of S. DuPont Hwy. (US Rt. 13) and Walnut Shade Rd. (DE Rt. 10A), east of Woodside
<b>Proposed Signs</b>	: See attached packet for enumeration and detail of the signs covered under this application.

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#### **I. STAFF RECOMMENDATION:**

The staff recommends **CONDITIONAL APPROVAL** of the proposed Comprehensive Sign Package for an existing shopping center based on the information submitted and pursuant to §205-231.1.F ensuring that qualifying developments are afforded adequate, but not excessive signage, as the application demonstrates compliance with the conditions for approval as outlined in the Code and with the following comments, as follows:

#### **A. Code Requirements:**

- 1) 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 18 months of the date of preliminary

approval. Construction shall not commence and Building Permits shall not be issued until final plan approval is given. Furthermore, §187-41.C states that application for building permits must be made within 18 months of final approval. If no applications are received, the plan shall be considered invalid and a new application process will be required.

- 2) The file number in the Data Column should read CS-17-01.
- 3) Permits are necessary for existing and proposed attached signs on the buildings as well as for signage on the detached on-premise sign. These permits will need to be submitted prior to final plan approval.
- 4) A Certificate of Use and/or Business Certificate of Occupancy shall be obtained for any change of use within any suite of the existing shopping center, as well as for the existing storage building located on the subject site prior to commencement of business operations.

**B. Additional Recommendations:**

- 1) All additional on-premise signage not approved as part of this request shall be removed prior to final plan approval.
- 2) Existing roof-mount signs approved as part of this request must remain attached to the building at the base of the peak and shall not be moved to any higher position on the roof.
- 3) Proposed sign “F2” shall be eliminated as it does not appear to be necessary due to all the same information being on sign “F1” which is only a short distance away. Should the request be approved as requested, staff recommends a reduction in size for the proposed sign “F2” to 32 sq. ft. with an overall height of 10 ft., and a reduction to the proposed size of sign “F3” to 16 sq. ft.
- 4) Should existing signs be replaced in the future within the northern shopping center building, Staff recommends that attached signage be replaced with signage of a uniform size and shape, similar to that of the southernmost building facing Walnut Shade Rd.

**II. BACKGROUND INFORMATION:**

- A pre-application meeting was conducted with Staff to discuss the proposed signage plan. The applicant wishes to have approved signage that varies from the allowable size, number and type of signage allowable within the BG zoning district along a divided highway. Because of the nature of the business

as a shopping complex, a Comprehensive Sign Package does appear to be a viable alternative for signage proposed within the subject site.

- The Kent County Comprehensive Plan recommends that the subject property be utilized for highway commercial purposes. The property is zoned BG (General Business District). This zoning district provides for Shopping Centers through the Conditional Use process; however, the existing shopping center is considered legal non-conforming.
- The 3.7 ± acres subject site is currently improved with a shopping center consisting of two buildings, as well as a separate storage building in the rear of the parcel. The character of the surrounding area is primarily commercial in nature, as it is a part of the US Route 13 corridor.
- The applicant is proposing a Comprehensive Sign Package, consisting of a total of six attached canopy signs, two attached wall-mount signs, one attached roof-mount sign, and three detached on-premise signs. Please see attachments for size, type and location breakdown.

## **II. COUNTY/AGENCY COMMENTS:**

### **A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING** – Brian L. Hall, Engineering Project Manager II

#### **Requirement & Source:**

1. Contact Miss Utility of Delmarva at 1-800-282-8555, prior to any excavation activities.

#### **Comment:**

1. The Engineering Division grants “Conditional Approval.”

### **B. KENT CONSERVATION DISTRICT** – David C. Cahill

**The reasons and conditions applied to this project and their sources are itemized below:**

**Source:** 2014 Delaware Sediment and Stormwater Regulations

#### **Requirements:**

1. The Kent Conversation District has no objection to the proposed Sign Package conditional use plan approval for the above referenced property.

#### **Comments:**

1. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet a detailed Sediment and Stormwater Control plan must be submitted and approved to the Kent Conversation District.

C. **DELAWARE DEPARTMENT OF TRANSPORTATION** – Joshua J. Schwartz

1. The sign placement shall be outside of the State Right-Of-Way for both Route 13 and Walnut Shade Road. If the property redevelops, the required Right-Of-Way along Walnut Shade Road is 40' from the centerline of the road.

D. **DNREC, DIVISION OF AIR QUALITY** – Ronald A. Amirikian, Planning Branch Manager

1. Based on air quality projections, the inclusion of signage at the site of the abovementioned project location is not forecasted to have a significant impact on Kent County's air quality levels. DAQ encourages land use decisions that take into consideration Delaware's Air Quality including those that promote sustainable development, smart growth and include offsets to development where applicable. This includes generating mixed-use developments that are walkable, bikeable, and livable to lessen dependence on vehicular travel. DAQ has no additional commentary on this application at this time.

E. **DNREC, DIVISION OF FISH AND WILDLIFE: Species Conservation and Research Program** – Kate Fleming, Wildlife Biologist/Environmental Review Coordinator

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

III. **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. Letters of "No Objection to Final Approval" from the following agencies will be required prior to final approval:

- A. DelDOT, Division of Highways

ENC: Data Sheet  
Exhibit A - Location and Zoning Map  
Exhibit B – Plot Plan  
Preliminary Site Plan  
Proposed Sign Package Booklet